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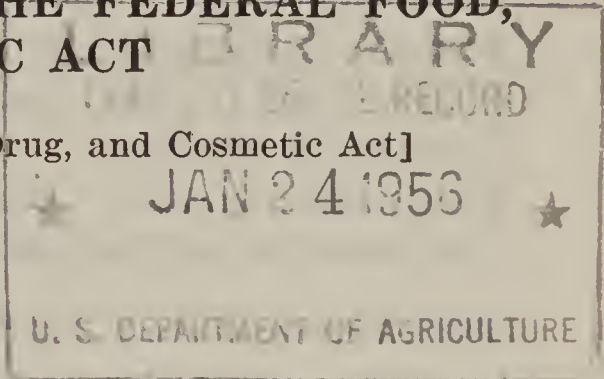
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22051-22100

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated within the meaning of one or both of the following sections while held for sale after shipment in interstate commerce: Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. The reported seizure proceedings involve two cases which were contested and other cases which were terminated with the entry of default or consent decrees of condemnation. They are civil actions taken against the *goods* alleged to be in violation.

Similar actions against products alleged to be in violation at the time of shipment, and criminal prosecution cases against *firms or individuals* charged to be responsible for violations are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *January 4, 1956.*

CONTENTS

	Page		Page
Cereals and cereal products.....	16	Fruits and vegetables—Continued	
Flour.....	16	Dried fruit.....	22
Macaroni and noodle products..	17	Vegetables and vegetable prod-	
Miscellaneous cereals and cereal		ucts.....	23
products.....	18	Tomatoes and tomato products..	24
Dairy products.....	20	Nuts.....	24
Cheese.....	20	Spices, flavors, and seasoning ma-	
Fish and shellfish.....	21	terials.....	25
Fruits and vegetables.....	21	Index.....	26
Canned fruit and fruit products..	21		

CEREALS AND CEREAL PRODUCTS

FLOUR *

22051. Flour. (F. D. C. No. 37583. S. Nos. 12-593/8 M.)

QUANTITY: 356 100-lb. bags at West New York, N. J., in possession of Centre Bakery.

SHIPPED: Between 9-1-54 and 10-31-54, from New York, N. Y., Buffalo, N. Y., Milton, Pa., and Philadelphia, Pa.

LIBELED: 1-12-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-11-55. Consent—claimed by Centre Bakery. 171 100-lb. bags segregated as unfit and converted to animal feed.

22052. Flour. (F. D. C. No. 37536. S. Nos. 16-984/5 M.)

QUANTITY: 36 100-lb. bags at Easton, Md., in possession of Easton Wholesale Grocery Co., Inc.

SHIPPED: Between 9-9-54 and 10-18-54, from Buffalo, N. Y.

LIBELED: On or about 12-22-54, Dist. Md.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-24-55. Default—destruction.

22053. Flour. (F. D. C. No. 37512. S. Nos. 2-167/8 M.)

QUANTITY: 479 10-lb. bags and 505 25-lb. bags at Buckhannon, W. Va., in possession of Gaston Grocery Co.

SHIPPED: 8-14-54, from Omaha, Nebr.

LIBELED: 12-6-54, N. Dist. W. Va.

CHARGE: 402 (a) (3)—contained rodent excreta, rodent hairs, and insects; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-29-55. Consent—claimed by Gaston Grocery Co. 84 10-lb. bags and 95 25-lb. bags segregated as unfit and denatured.

22054. Flour. (F. D. C. No. 37463. S. Nos. 9-810/11 M.)

QUANTITY: 247 50-lb. bags at Mason City, Iowa, in possession of Witwer Grocer Co.

SHIPPED: Between 7-9-54 and 9-28-54, from Minneapolis, Minn.

LIBELED: 12-10-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-4-55. Consent—claimed by Witwer Grocer Co. 138 50-lb. bags converted to animal feed.

22055. Flour. (F. D. C. No. 37478. S. No. 9-812 M.)

QUANTITY: 49 50-lb. bags at Sioux City, Iowa.

SHIPPED: 9-23-54, from Wabasha, Minn.

* See also No. 22091.

LIBELED: 12-17-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent filth while held for sale.

DISPOSITION: 1-17-55. Default—consumption by animals.

22056. Buckwheat flour. (F. D. C. No. 37364. S. No. 12-881 M.)

QUANTITY: 35 100-lb. bags at Philadelphia, Pa., in possession of Wm. Lister & Son.

SHIPPED: 4-10-54, from Cohocton, N. Y.

LIBELED: 11-16-54, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-23-55. Default—destruction.

22057. Rice flour. (F. D. C. No. 37499. S. No. 1-006 M.)

QUANTITY: 25 100-lb. bags at Durham, N. C.

SHIPPED: 7-19-54, from Memphis, Tenn.

LIBELED: 12-1-54, M. Dist. N. C.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-28-55. Default—consumption by animals.

22058. Rye flour. (F. D. C. No. 37349. S. No. 68-603 L.)

QUANTITY: 21 100-lb. bags at Brooklyn, N. Y., in possession of Held Haulage Corp.

SHIPPED: 9-18-54, from New Ulm, Minn.

LIBELED: 11-12-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-17-54. Default—destruction.

22059. Soya flour. (F. D. C. No. 37427. S. No. 8-121 M.)

QUANTITY: 59 100-lb. bags at Kansas City, Mo.

SHIPPED: 6-16-54, from Decatur, Ill.

LIBELED: 11-16-54, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-13-54. Consent—claimed by A. E. Staley Mfg. Co. Denatured for consumption by animals.

MACARONI AND NOODLE PRODUCTS *

22060. Macaroni and egg noodles. (F. D. C. No. 37407. S. Nos. 78-113/4 L.)

QUANTITY: 5 cases, each containing 24 12-oz. bags (macaroni), and 3 cases, each containing 12 1-lb. bags (egg noodles), at Fairbault, Minn.

SHIPPED: Between 1-13-53 and 5-11-54, from Milwaukee, Wis.

LIBELED: 11-10-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 3-28-55. Default—destruction.

*See also No. 22073.

22061. Tenderoni (macaroni product). (F. D. C. No. 37491. S. Nos. 8-415/6 M.)
QUANTITY: 11 cases, each containing 24 6-oz. cartons, and 13 cases, each containing 12 1-lb., 8-oz. cartons, at Coffeyville, Kans.
SHIPPED: Early in 1950, from Joliet, Ill.
LIBELED: 12-30-54, Dist. Kans.
CHARGE: 402(a) (3)—contained insects while held for sale.
DISPOSITION: 2-28-55. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

22062. Unpopped popcorn. (F. D. C. No. 37544. S. No. 15-888 M.)
QUANTITY: 55 100-lb. bags at Seattle, Wash., in possession of Heck Specialty Co.
SHIPPED: Between 2-4-54 and 7-22-54, from Schaller, Iowa.
LIBELED: 12-28-54, W. Dist. Wash.
CHARGE: 402(a) (3)—contained rodent excreta, rodent urine, rodent hairs, and rodent-gnawed kernels; and 402(a) (4)—held under insanitary conditions.
DISPOSITION: 3-21-55. Consent—claimed by Heck Specialty Co. 60 lbs. segregated as unfit and destroyed.

22063. Unpopped popcorn. (F. D. C. No. 37400. S. No. 78-078 L.)
QUANTITY: 14 100-lb. bags at Winona, Minn., in possession of Food & Popcorn Supply Co.
SHIPPED: 9-7-54, from Sac City, Iowa.
LIBELED: 11-5-54, Dist. Minn.
CHARGE: 402(a) (3)—contained rodent filth; and, 402(a) (4)—held under insanitary conditions.
DISPOSITION: 3-9-55. Default—consumption by animals.

22064. Rice. (F. D. C. No. 37505. S. No. 16-869 M.)
QUANTITY: 308 100-lb. bags at Baltimore, Md.
SHIPPED: 11-18-53, from New Orleans, La.
LIBELED: On or about 12-3-54, Dist. Md.
CHARGE: 402(a) (3)—contained insects while held for sale.
DISPOSITION: 12-7-54. Consent—claimed by A & L Foods, Inc., Baltimore, Md. Segregated, 1,216 lbs. destroyed.

22065. Rice. (F. D. C. No. 37561. S. Nos. 13-139/40 M.)
QUANTITY: 258 100-lb. bags at Philadelphia, Pa., in possession of Southwark Wholesale Grocery Co.
SHIPPED: 10-8-54 and 10-14-54, from Abbeville and Kaplan, La.
LIBELED: 12-29-54, E. Dist. Pa.
CHARGE: 402(a) (3)—contained rodent urine and rodent excreta; and, 402(a) (4)—held under insanitary conditions.
DISPOSITION: 1-24-55. Consent—claimed by Southwark Wholesale Grocery Co. 58 100-lb. bags segregated as unfit and converted to animal feed.

22066. Rice. (F. D. C. No. 37330. S. Nos. 75-310 L, 75-627/8 L.)

QUANTITY: 55 100-lb. bags and 44 10-lb. bags at Wallace, N. C.

SHIPPED: 4-6-54 and 4-10-54, from Stuttgart, Ark., and Abbeville, La.

LIBELED: 11-5-54, E. Dist. N. C.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-29-54. Consent—claimed by Wallace Wholesale Co., Wallace, N. C. After an attempt to recondition the article failed, it was denatured for use as hog feed.

22067. Rice. (F. D. C. No. 37506. S. No. 12-169 M.)

QUANTITY: 30 100-lb. bags at Brooklyn, N. Y., in possession of Temple Frosted Foods, Inc.

SHIPPED: 9-3-54, from Houston, Tex.

LIBELED: 12-13-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-10-55. Default—destruction.

22068. Rice. (F. D. C. No. 37477. S. Nos. 10-541/2 M.)

QUANTITY: 13 100-lb. bags at Minneapolis, Minn.

SHIPPED: Between 6-25-54 and 7-28-54, from Chicago, Ill.

LIBELED: 12-23-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-5-55. Default—consumption by animals.

22069. Rice. (F. D. C. No. 37405. S. No. 89-476 L.)

QUANTITY: 4 100-lb. bags at Winona, Minn., in possession of Gamble-Robinson Co.

SHIPPED: 8-7-53, from Lake Charles, La.

LIBELED: 11-10-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent and insect filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-15-55. Default—consumption by animals.

22070. Rice. (F. D. C. No. 37531. S. No. 16-983 M.)

QUANTITY: 22 cases, each containing 40 12-oz. pkgs., at Snow Hill, Md.

SHIPPED: 1-18-54, from Houston, Tex.

LIBELED: 12-13-54, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-7-55. Default—destruction.

22071. Rice, unpopped popcorn, and unshelled peanuts. (F. D. C. No. 37534. S. Nos. 10-533/4 M, 10-536 M.)

QUANTITY: 9 100-lb. bags of rice, 6 100-lb. bags of unpopped popcorn, and 66 103-lb. bags of unshelled peanuts at Minneapolis, Minn., in possession of Gamble-Robinson Co.

SHIPPED: Between 12-31-53 and 9-24-54, from De Witt, Ark., Waterloo, Wis., and Suffolk, Va.

LIBELED: 12-17-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine (rice and peanuts), and insects (popcorn) while held for sale; and 402 (a) (4)—held under insanitary conditions (rice and peanuts).

DISPOSITION: 1-4-55. Consent—claimed by Gamble-Robinson Co. 450 lbs. of rice, 600 lbs. of popcorn, and 1,236 lbs. of peanuts segregated as unfit. Rice and popcorn destroyed; peanuts denatured.

22072. Wheat bran and screenings. (F. D. C. No. 37437. S. No. 11-246 M.)

QUANTITY: 153 100-lb. bags at Fort Worth, Tex.

SHIPPED: During October 1954, from Alva, Okla.

LIBELED: On or about 12-13-54, N. Dist. Tex.

CHARGE: 402 (a) (3)—contained moldy bran while held for sale.

DISPOSITION: J. L. Walker, t/a Walker Grain Co., Fort Worth, Tex., appeared as claimant, and on 3-1-55, the case came on for hearing before the court. After considering the pleadings, evidence, and arguments of counsel, the court, on 3-1-55, ordered that 70 bags of the article be restored to the claimant unconditionally and that 83 moldy bags of the article be restored to the claimant, conditioned that the 83 bags be sold for use as hog feed.

22073. Pancake mix, canned blueberries, cake decorating sugar, macaroni, unpopped popcorn, and pearled barley. (F. D. C. No. 37527. S. Nos. 90-501/3 L, 8-341 M, 8-343/4 M.)

QUANTITY: 19 cases, 10 5-lb. bags each, of pancake mix; 4 cases, 24 14½-oz. cans each, of blueberries; 108 1½-oz. pkgs. of cake decorating sugar; 3 cases, 24 16-oz. pkgs. each, of macaroni; 5 100-lb. bags of unpopped popcorn; and 3 cases, 24 1-lb. pkgs. each, of pearled barley, at Junction City, Kans., in possession of Mid-Quin Wholesale Grocery Co.

SHIPPED: Between 4-9-52 and 11-4-54, from Crete, Nebr., Bordentown, N. J., Lansdowne, Pa., Kansas City, Mo., and St. Joseph, Mo.

LIBELED: 12-17-54, Dist. Kans.

CHARGE: 402 (a) (3)—while held for sale, pancake mix, cake decorating sugar, and unpopped popcorn contained rodent excreta; macaroni, unpopped popcorn, and pearled barley contained insects; unpopped popcorn contained rodent-gnawed kernels; and canned blueberries, which were undergoing chemical decomposition, contained a decomposed substance; and, 402 (a) (4)—all articles other than the canned blueberries were held under insanitary conditions.

DISPOSITION: 2-24-55. Default—destruction of cake decorating sugar and canned blueberries and consumption by animals of other products.

DAIRY PRODUCTS

CHEESE

22074. Brick cheese. (F. D. C. No. 37389. S. No. 78-131 L.)

QUANTITY: 2 cases, each containing 19 6-lb. bricks, at Fargo, N. Dak.

SHIPPED: 6-14-54, from Mayville, Wis.

LIBELED: 10-28-54, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained mites and moldy cheese while held for sale.

DISPOSITION: 12-10-54. Default—destruction.

22075. Romano cheese. (F. D. C. No. 37641. S. No. 18-121 M.)

QUANTITY: 16 cases, each containing 6 18-lb. cheeses, at Brooklyn, N. Y.

SHIPPED: 4-23-54, from Argentina.

LIBELED: 2-4-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained mites, rodent excreta, rodent hairs, and rodent-gnawed cheese while held for sale.

DISPOSITION: 3-10-55. Consent—claimed by Brooklyn Cheese Co., Inc., Brooklyn, N. Y. 15 lbs. of cheese representing the contaminated portions of the article were removed by trimming and were destroyed.

FISH AND SHELLFISH

22076. Frozen cod fillets. (F. D. C. No. 37455. S. No. 11-084 M.)

QUANTITY: 65 5-lb. cases at Houston, Tex.

SHIPPED: 6-24-54, from New York, N. Y.

LIBELED: 12-1-54, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 1-27-55. Default—destruction.

22077. Frozen flounder fillets. (F. D. C. No. 37530. S. No. 12-450 M.)

QUANTITY: 11 cartons, each containing 12 1-lb. pkgs., at New York, N. Y.

SHIPPED: 3-25-52, from Portland, Oreg.

LIBELED: 12-16-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 1-4-55. Default—destruction.

22078. Breaded shrimp. (F. D. C. No. 37521. S. Nos. 12-448/9 M.)

QUANTITY: 41 cartons, each containing 12 2-lb. pkgs., at New York, N. Y.

SHIPPED: 11-30-53, from Boston, Mass.

LIBELED: 12-14-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed shrimp while held for sale.

DISPOSITION: 1-4-55. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT AND FRUIT PRODUCTS *

22079. Canned apricots and canned butter beans. (F. D. C. No. 37424. S. Nos. 85-220/1 L.)

QUANTITY: 84 cases, each containing 6 6-lb., 10-oz. cans, of apricots, and 46 cases, each containing 6 6-lb., 8-oz. cans of butterbeans at Davenport, Iowa.

SHIPPED: Between 9-19-51 and 1-18-52, from Ogden, Utah, and Chicago, Ill.

LIBELED: 11-16-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 12-30-54; amended 12-31-54. Default—consumption by animals.

* See also No. 22073.

22080. Canned blackberries. (F. D. C. No. 37414. S. No. 67-696 L.)

QUANTITY: 26 cases, each containing 24 1-lb. cans, at Greenville, Miss.

SHIPPED: During November 1953, from Harvey, La.

LIBELED: 11-10-54, N. Dist. Miss.

CHARGE: 402(a)(3)—contained decomposed substance while held for sale.

DISPOSITION: 1-10-55. Default—destruction.

22081. Canned boysenberries. (F. D. C. No. 37461. S. No. 10-528 M.)

QUANTITY: 81 cases, each containing 24 1-lb. cans, at St. Paul, Minn.

SHIPPED: 6-10-54, from Van Buren, Ark.

LIBELED: 12-9-54, Dist. Minn.

CHARGE: 402(a)(3)—contained decomposed substance while held for sale.

DISPOSITION: 1-24-55. Default—destruction.

22082. Canned boysenberries. (F. D. C. No. 37462. S. No. 10-529 M.)

QUANTITY: 23 cases, each containing 24 1-lb. cans, at St. Paul, Minn.

SHIPPED: 10-12-53, from Van Buren, Ark.

LIBELED: 12-9-54, Dist. Minn.

CHARGE: 402(a)(3)—contained decomposed substance while held for sale.

DISPOSITION: 1-24-55. Default—destruction.

22083. Canned orange and grapefruit juice. (F. D. C. No. 37648. S. No. 12-880 M.)

QUANTITY: 11 cases, 24 1-pt., 2-oz. cans each, at Philadelphia, Pa.

SHIPPED: Several years ago from Brooksville, Fla.

RESULTS OF INVESTIGATION: The article was undergoing chemical decomposition.

LIBELED: 2-9-55, E. Dist. Pa.

CHARGE: 402(a)(3)—contained decomposed substance while held for sale.

DISPOSITION: 5-4-55. Default—destruction.

DRIED FRUIT

22084. Raisins. (F. D. C. No. 37337. S. Nos. 77-913/5 L.)

QUANTITY: 2,842 30-lb. cartons at Baltimore, Md.

SHIPPED: Between 7-30-54 and 9-7-54, from Stockton and Locans, Calif.

LIBELED: 10-29-54, Dist. Md.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-6-55; amended 4-19-55. Consent—claimed by Bonner Packing Co. 262 30-lb. cartons destroyed; 2,580 30-lb. cartons made into commercial alcohol.

22085. Raisins. (F. D. C. No. 37526. S. Nos. 16-874 M, 16-876 M.)

QUANTITY: 142 30-lb. boxes at Baltimore, Md.

SHIPPED: 8-13-54, from Stockton, Calif.

LIBELED: 12-10-54, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-14-55. Default—consumption by animals.

22086. Raisins. (F. D. C. No. 37533. S. No. 16-877 M.)

QUANTITY: 15 30-lb. boxes at Baltimore, Md.

SHIPPED: 8-13-54, from Sanger, Calif.

LIBELED: On or about 12-13-54, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-24-55. Default—consumption by animals.

22087. Raisins. (F. D. C. No. 37525. S. No. 16-875 M.)

QUANTITY: 7 30-lb. boxes at Baltimore, Md.

SHIPPED: 7-31-54, from Stockton, Calif.

LIBELED: 12-10-54, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-24-55. Default—consumption by animals.

22088. Raisins. (F. D. C. No. 37393. S. Nos. 78-060/1 L.)

QUANTITY: 46 cases, each containing 16 2-lb. pkgs., at Minot, N. Dak.

SHIPPED: Between 5-27-54 and 6-30-54, from Fresno, Calif.

LIBELED: 10-29-54, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-18-54. Consent—claimed by Nash-Finch Co. Destruction.

22089. Raisins. (F. D. C. No. 37434. S. No. 8-304 M.)

QUANTITY: 13 cases, each containing 24 8-oz. pkgs., at Wichita, Kans.

SHIPPED: 11-25-53, from San Francisco, Calif.

LIBELED: 12-2-54, Dist. Kans.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 2-16-55. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS *

22090. Dried Great Northern beans. (F. D. C. No. 37632. S. No. 8-394 M.)

QUANTITY: 10 100-lb. bags at Krebs, Okla., in possession of S. D. Giacomo Co.

SHIPPED: Sometime during the summer of 1954, from Basin, Wyo.

LIBELED: 2-9-55, E. Dist. Okla.

CHARGE: 402(a) (3)—contained rodent excreta and rodent hairs; and, 402(a) (4)—held under insanitary conditions.

DISPOSITION: 6-13-55. Default—destruction.

22091. Dried pinto beans and flour. (F. D. C. No. 37486. S. Nos. 2-174 M, 2-176 M.)

QUANTITY: 276 25-lb. bags of flour and 83 100-lb. bags of pinto beans at Williamson, W. Va., in possession of Williamson Grocery Co.

SHIPPED: Between 7-12-54 and 10-6-54, from Arkansas City, Ark., and Denver, Colo.

* See also No. 22079.

LIBELED: On or about 1-3-55, S. Dist. W. Va.

CHARGE: 402(a)(3)—contained rodent filth; and, 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-21-55. Consent—claimed by Williamson Grocery Co. 22 100-lb. bags of pinto beans destroyed; flour converted to animal feed.

22092. Pickles. (F. D. C. No. 37592. S. Nos. 12-817/8 M.)

QUANTITY: 42 cases, 24 1-pt. cans each, and 69 cases, 24 1-qt. cans each, at Philadelphia, Pa.

SHIPPED: 3-5-54 and 6-18-54, from Cheswold, Del.

LIBELED: 1-10-55, E. Dist. Pa.

CHARGE: 402(a)(3)—contained decomposed substance while held for sale.

DISPOSITION: 3-28-55. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

22093. Canned tomatoes. (F. D. C. No. 34512. S. No. 55-537 L.)

QUANTITY: 1,497 cases, 24 unlabeled No. 2 cans each, at Albion, N. Y.

SHIPPED: In 1951 or 1952, from Indiana.

LIBELED: 12-22-52; amended 5-8-53; W. Dist. N. Y.

CHARGE: 402(a)(3)—contained decomposed tomato material while held for sale.

DISPOSITION: The Orleans County Canning Co., a partnership, Albion, N. Y., claimant, filed an answer denying that the product was shipped in interstate commerce, or was adulterated, as alleged in the amended libel. The claimant and the Government served interrogatories upon each other, which were answered. A request for admissions also was served upon the claimant, but was not answered. Subsequently, the claimant withdrew his answer; and, on 9-10-54, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion. Thereafter, 682 cases were segregated as unfit and were destroyed.

22094. Tomato paste. (F. D. C. No. 37659. S. No. 16-048 M.)

QUANTITY: 6 cases, 100 6½-oz. cans each, at Seattle, Wash.

SHIPPED: 10-16-53, from New York, N. Y.

RESULTS OF INVESTIGATION: The article was undergoing chemical decomposition.

LIBELED: 2-15-55, W. Dist. Wash.

CHARGE: 402(a)(3)—contained decomposed substance while held for sale.

DISPOSITION: 6-24-55. Default—consumption by animals.

NUTS *

22095. Shelled almonds. (F. D. C. No. 36722. S. No. 11-020 L.)

QUANTITY: 10 110-lb. bags at Dayton, Ohio.

SHIPPED: 1-10-51 and 2-1-51, from New York, N. Y.

LIBELED: 4-22-54, S. Dist. Ohio.

* See also No. 22071.

CHARGE: 402 (a) (3)—contained moldy almonds while held for sale.

DISPOSITION: 5-21-54. Consent—claimed by Maud Muller Candy Co., Dayton, Ohio. Segregated, 108 lbs. denatured.

22096. Unshelled brazil nuts. (F. D. C. No. 37426. S. No. 8-024 M.)

QUANTITY: 6 100-lb. bags at Kansas City, Mo.

SHIPPED: 9-24-54, from Dallas, Tex.

LIBELED: 11-17-54, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained moldy and rancid brazil nuts and empty shells while held for sale.

DISPOSITION: 1-10-55. Default—destruction.

22097. Unshelled peanuts. (F. D. C. No. 37452. S. No. 9-964 M.)

QUANTITY: 47 100-lb. bags at Eau Claire, Wis., in possession of Gamble-Robinson Co.

SHIPPED: 9-16-54, from Suffolk, Va.

LIBELED: 11-29-54, W. Dist. Wis.

CHARGE: 402 (a) (3)—contained rodent filth and rodent-gnawed peanuts; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-22-54. Consent—claimed by Pacific Gamble-Robinson Co. 143 lbs. destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

22098. Red peppers. (F. D. C. No. 37279. S. No. 49-769 L.)

QUANTITY: 16,688 lbs. at New York, N. Y.

SHIPPED: 9-20-54, from Jersey City, N. J.

LIBELED: 10-5-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-5-54. Consent—claimed by Wm. M. Allison & Co., New York, N. Y. 2,774 lbs. destroyed; 44 lbs. lost in segregation operations.

22099. Sesame seed. (F. D. C. No. 37626. S. No. 11-884 M.)

QUANTITY: 656 150-lb. bags at Brooklyn, N. Y.

SHIPPED: 3-5-54, from Nicaragua.

LIBELED: 2-2-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-23-55. Consent—claimed by Independent Halvah & Candies, Inc., Brooklyn, N. Y. 13,140 lbs. segregated as unfit and destroyed.

22100. Sesame seed. (F. D. C. No. 37283. S. No. 68-648 L.)

QUANTITY: 87 156-lb. bags at New York, N. Y.

SHIPPED: 2-5-54, from Nicaragua.

LIBELED: 10-8-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-3-54. Consent—claimed by Becker-Mayer Seed Co., Inc. 136 lbs. destroyed; 40 lbs. lost in segregation operations.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22051 TO 22100

PRODUCTS

	N. J. No.		N. J. No.
Almonds, shelled-----	22095	Great Northern beans, dried----	22090
Apricots, canned -----	22079	Macaroni and noodle products--	22060,
Barley, pearled-----	22073		22061, 22073
Beans, butter, canned-----	22079	Mix, pancake-----	22073
Great Northern, dried-----	22090	Noodles. <i>See</i> Macaroni and	
pinto, dried-----	22091	noodle products.	
Blackberries, canned-----	22080	Nuts-----	22071, 22095-22097
Blueberries, canned-----	22073	Orange and grapefruit juice,	
Boysenberries, canned----	22081, 22082	canned -----	22083
Bran, wheat----- ¹	22072	Pancake mix-----	22073
Brazil nuts, unshelled-----	22096	Peanuts, unshelled-----	22071, 22097
Brick cheese-----	22074	Peppers, red-----	22098
Buckwheat flour-----	22056	Pickles -----	22092
Cereals and cereal products---	¹ 22051-	Pinto beans, dried-----	22091
	22073	Popcorn, unpopped-----	22062,
Cheese, brick-----	22074		22063, 22071, 22073
romano -----	22075	Raisins -----	22084-22089
Cod fillets, frozen-----	22076	Rice -----	22064-22071
Dairy products-----	22074, 22075	flour -----	22057
Fish and shellfish-----	22076-22078	Romano cheese-----	22075
Flavors. <i>See</i> Spices, flavors, and		Rye flour-----	22058
seasoning materials.		Sesame seed-----	22099, 22100
Flounder fillets, frozen-----	22077	Shellfish. <i>See</i> Fish and shellfish.	
Flour -----	22051-22059, 22091	Shrimp, breaded-----	22078
Fruits and vegetables-----	22073,	Soya flour-----	22059
	¹ 22079-22094	Spices, flavors, and seasoning	
fruit, canned, and fruit prod-		materials-----	22098-22100
ucts-----	22073, 22079-22083	Sugar, cake decorating-----	22073
dried-----	22084-22089	Tenderoni (macaroni product)--	22061
tomatoes and tomato prod-		Tomato(es), canned----- ¹	22093
ucts----- ¹	22093, 22094	paste -----	22094
vegetables and vegetable prod-		Vegetables. <i>See</i> Fruits and vege-	
ucts-----	22079, 22090-22092	tables.	
		Wheat bran and screenings----	¹ 22072

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

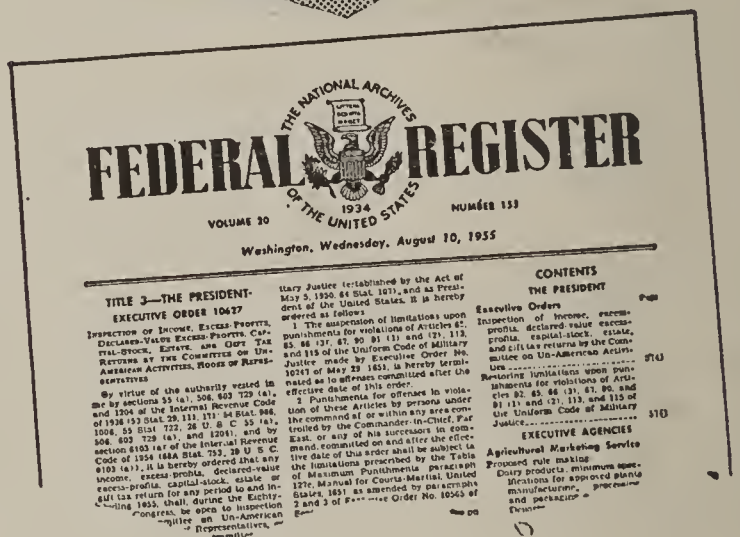
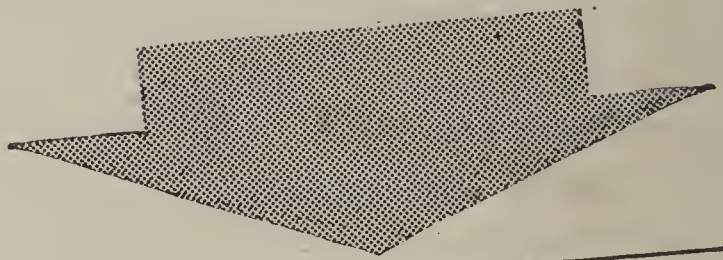
	N. J. No.		N. J. No.
Centre Bakery:		Gamble-Robinson Co.:	
flour -----	22051	peanuts, unshelled-----	22071, 22097
Easton Wholesale Grocery Co.,		popcorn, unpopped-----	22071
Inc.:		rice-----	22069, 22071
flour -----	22052	Gaston Grocery Co.:	
Food & Popcorn Supply Co.:		flour -----	22053
unpopped popcorn-----	22063		

¹ (22072, 22093) Seizure contested.

	N. J. No.		N. J. No.
Giacomo, S. D., Co.:		Southwark Wholesale Grocery	
dried Great Northern beans---	22090	Co.:	
Heck Specialty Co.:		rice -----	22065
unpopped popcorn-----	22062	Temple Frosted Foods, Inc.:	
Held Haulage Corp.:		rice -----	22067
rye flour-----	22058	Williamson Grocery Co.:	
Lister, Wm., & Son:		dried pinto beans and flour----	22091
buckwheat flour-----	22056	Witwer Grocer Co.:	
Mid-Quin Wholesale Grocery Co.:		flour -----	22054
pancake mix, canned blueber-			
ries, cake decorating sugar,			
macaroni, unpopped popcorn,			
and pearled barley-----	22073		

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U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22101-22200

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default, consent, or trial; (2) criminal proceedings which were terminated with pleas of nolo contendere or guilty and, in one case, with a verdict of guilty; and (3) injunction proceedings resulting in the entry of a temporary restraining order. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms or individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *February 27, 1956.*

CONTENTS

	Page		Page
Beverages and beverage materials.....	30	Fruits and vegetables.....	45
Candy and cocoa.....	31	Canned fruit.....	45
Candy.....	31	Dried fruit.....	45
Cocoa.....	32	Fresh fruit.....	46
Cereals and cereal products.....	34	Frozen fruit.....	47
Bakery products.....	34	Miscellaneous fruit products....	47
Flour.....	35	Vegetables and vegetable prod-	
Miscellaneous cereals and cereal		ucts.....	48
products.....	35	Tomatoes and tomato products..	49
Dairy products.....	37	Nuts.....	51
Butter.....	37	Poultry.....	52
Cheese.....	38	Spices, flavors, and seasoning ma-	
Eggs.....	39	terials.....	53
Fish and shellfish.....	41	Index.....	54

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22101-22200**

Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength; and, Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403 (h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations and its quality fell below such standard, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard; Section 403 (i) (2), the article was not subject to the provisions of Section 403 (g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), the article contained a chemical preservative, and it failed to bear labeling stating that fact.

BEVERAGES AND BEVERAGE MATERIALS *

22101. Coffee. (F. D. C. No. 37305. S. Nos. 68-851/2 L.)

QUANTITY: 94 3-lb. tins at New York, N. Y.

SHIPPED: On 3-10-54, a quantity of coffee was shipped by M. W. Salomon & Sons, New Orleans, La., as ship's stores on the SS. Blue Grass State; and, on 6-24-54, a quantity of coffee was delivered to the SS. Hoosier State, as ship's stores, by Andrew's Coffee Co., Inc., New York, N. Y. Upon the ships' return from Mediterranean ports, the coffee was seized.

LABEL IN PART: (Tin) "Andrew's Superior Quality Coffee Carefully Selected, Blended and Packed By Andrew's Coffee Co., Inc."

LIBELED: 10-21-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect parts; 402 (b) (2)—a mixture of coffee and chickpeas had been substituted in part for coffee; and, 402 (b) (4)—chickpeas had been added to the product when shipped.

DISPOSITION: 11-16-54. Default—destruction.

22102. Coffee. (F. D. C. No. 35136. S. Nos. 49-973/4 L.)

INFORMATION FILED: 1-8-54, S. Dist. N. Y., against the Louvain Coffee Co., Inc., New York, N. Y., and Herbert Weingast, president of the corporation.

SHIPPED: 2-11-53, from New York to New Jersey.

*See also Nos. 22175, 22186.

LABEL IN PART: "Louvain Time Of Your Life Coffee Hotel Brand [or "Blend"]."

CHARGE: 402 (b) (2)—a mixture of coffee and a cereal product had been substituted for coffee; and, 403 (i) (2)—the label failed to bear the common or usual name of each ingredient of the article when shipped.

PLEA: Corporation—guilty; individual—not guilty.

DISPOSITION: The individual went to trial on 6-17-54, and, on 6-18-54, the jury returned a verdict of guilty. On 6-28-54, the corporation and the individual were each fined \$1,000.

22103. Soluble coffee. (F. D. C. No. 37612. S. No. 12-654 M.)

QUANTITY: 5,000 lbs. in 44 drums at Brooklyn, N. Y.

SHIPPED: 10-13-54, from Linden, N. J., by Tenco, Inc.

LIBELED: 1-20-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained wood, glass, sand, paint, metal, and plant material fragments when shipped.

DISPOSITION: 3-7-55. Default—destruction.

CANDY AND COCOA

CANDY

22104. Candy. (F. D. C. No. 32826. S. No. 38-439 L.)

INFORMATION FILED: 8-4-54, E. Dist. Pa., against American Caramel Co., a corporation, Lancaster, Pa.

SHIPPED: 2-19-52, from Pennsylvania to New York.

LABEL IN PART: (Carton) "Lancaster Caramels."

CHARGE: 402 (a) (3)—contained insect fragments and rodent hair fragments; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-29-54. \$250 fine.

22105. Candy. (F. D. C. No. 32824. S. Nos. 8-384 L, 34-616 L, 38-804/5 L, 41-314 L.)

INFORMATION FILED: 8-4-54, E. Dist. Pa., against R. E. Rodda Candy Co., Lancaster, Pa.

SHIPPED: Between 2-19-52 and 3-12-52, from Pennsylvania to New York, Missouri, Virginia, and Delaware.

LABEL IN PART: (Pail) "Williams Superfine Brand Chocolate Cream Drops * * * Distributed by: C. G. Williams—Oswego, N. Y."; (box) "Rodda Pigeon Eggs," "Rodda Chocolate Covered M. M. Rabbits [or "Pigs"]"; (carton) "Rodda Jelly Eggs."

CHARGE: 402 (a) (3)—contained rodent hair fragments, insect fragments, and whole insects; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-29-54—fine \$1,250; 11-16-54—fine reduced to \$1,000.

22106. Candy. (F. D. C. No. 37552. S. Nos. 12-176/7 M.)

QUANTITY: 307 boxes, 12 1-oz. pieces each, and 306 boxes, 12 ½-oz. pieces each, at New York, N. Y.

SHIPPED: 11-11-54, from Philadelphia, Pa., by Victorian Candy Co.

LIBELED: 12-30-54, S. Dist. N. Y.

LABEL IN PART: (Wrapper) "Victorian Candy Cane."

CHARGE: 402 (a) (3)—contained textile fibers and wood fragments; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-21-55. Default—destruction.

22107. Candy. (F. D. C. No. 37553. S. No. 12-592 M.)

QUANTITY: 200 cartons, 12 1-lb. jars each, at Perth Amboy, N. J.

SHIPPED: 11-30-54, from Philadelphia, Pa., by J. Schwartz & Sons.

LIBELED: 12-28-54, Dist. N. J.

LABEL IN PART: (Jar) "Victorian Mix * * * Manufactured By Victorian Candy Co. Philadelphia, Pa."

CHARGE: 402 (a) (3)—contained textile fibers and wood fragments; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-2-55. Default—destruction.

22108. Candy. (F. D. C. No. 37589. S. No. 3-107 M.)

QUANTITY: 52 cartons, 12 1-lb. pkgs. each, at West Hartford, Conn.

SHIPPED: 12-18-54 and 12-22-54, from Brockton, Mass., by F. B. Washburn Candy Corp.

LIBELED: On or about 1-19-55, Dist. Conn.

LABEL IN PART: (Pkg.) "Trinity Family Pack Fudge."

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-17-55. Default—destruction.

22109. Candy. (F. D. C. No. 37522. S. No. 12-812 M.)

QUANTITY: 9 cases, 6 5-lb. boxes each, at Gloucester, N. J.

SHIPPED: 11-3-54, from Lansdale, Pa., by North Penn Candy Co.

LIBELED: On or about 12-17-54, Dist. N. J.

LABEL IN PART: (Box) "Ye Old Timer Chocolates."

CHARGE: 402 (a) (3)—contained flies, insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-11-55. Default—destruction.

COCOA**22110. Cocoa.** (F. D. C. No. 37616. S. No. 12-656 M.)

QUANTITY: 5 100-lb. drums at Greystone Park, N. J.

SHIPPED: 12-14-54, from Boston, Mass., by Clinton Chocolate Co.

LIBELED: 1-18-55, Dist. N. J.

LABEL IN PART: "North Star Cocoa."

CHARGE: 402 (a) (3)—contained insect parts and rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-1-55. Default—destruction.

22111. Cocoa. (F. D. C. No. 37672. S. No. 12-666 M.)

QUANTITY: 10 50-lb. drums at Greystone Park, N. J.

SHIPPED: 11-15-54, from Boston, Mass., by Clinton Chocolate Co.

LIBELED: 2-24-55, Dist. N. J.

LABEL IN PART: "North Star Cocoa."

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-31-55. Default—destruction.

22112. Cocoa. (F. D. C. No. 37609. S. No. 2-936 M.)

QUANTITY: 9 50-lb. drums at Providence, R. I.

SHIPPED: 12-3-54, from Boston, Mass., by Clinton Chocolate Co.

LIBELED: 1-17-55, Dist. R. I.

LABEL IN PART: "Fairmont Pure Cocoa."

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-11-55. Default—destruction.

22113. Cocoa. (F. D. C. No. 37615. S. No. 13-061 M.)

QUANTITY: 3 100-lb. drums and 1 67-lb. drum at Woodbine, N. J., of which only 1 drum containing about 50 lbs. was seized.

SHIPPED: 12-9-54, from Boston, Mass., by Clinton Chocolate Co.

LIBELED: On or about 1-25-55, Dist. N. J.

LABEL IN PART: "North Star Cocoa."

CHARGE: 402 (a) (3)—contained insect parts and rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-22-55. Default—destruction.

22114. Cocoa. (F. D. C. No. 37745. S. No. 4-613 M.)

QUANTITY: 4 50-lb. drums at Buffalo, N. Y.

SHIPPED: 12-14-54, from Boston, Mass., by Clinton Chocolate Co.

LIBELED: 1-14-55, W. Dist. N. Y.

LABEL IN PART: "Fairmont Pure Cocoa."

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-15-55. Default—destruction.

22115. Cocoa. (F. D. C. No. 37608. S. No. 2-970 M.)

QUANTITY: 2 100-lb. bags at Nashua, N. H.

SHIPPED: 12-9-54, from Boston, Mass., by Clinton Chocolate Co.

LIBELED: 1-14-55, Dist. N. H.

LABEL IN PART: "Fairmont Cocoa."

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-28-55. Default—destruction.

22116. Cocoa dust. (F. D. C. No. 37636. S. No. 2-947 M.)

QUANTITY: 37 134-lb. bags at Medford, Mass.

SHIPPED: 1-17-55, from Philadelphia, Pa., by Woodward & Dickerson, Inc.

LIBELED: 1-31-55, Dist. Mass.

LABEL IN PART: "Made in Italy Sphila A. Delfino & Co."

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs when shipped.

DISPOSITION: 2-28-55. Default—destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22117. Bread. (F. D. C. No. 35828. S. Nos. 81-724/6 L.)

INFORMATION FILED: 5-21-54, Dist. Nebr., against Arthur Adler, t/a Adler's Bakery, Omaha, Nebr.

SHIPPED: 1-6-54, from Nebraska to Iowa.

LABEL IN PART: (Pkg.) "Adler's Egg Twist," "Poppy Seed Vienna," and "Bohemian Rye Bread."

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hair fragments; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-29-54. \$300 fine, plus costs.

22118. Bread and rolls. (F. D. C. No. 37236. S. Nos. 85-512/4 L.)

INFORMATION FILED: 2-16-55, Dist. Colo., against Joseph N. Sayed, t/a Joe's Bakery, Trinidad, Colo.

SHIPPED: 7-22-54, from Colorado to New Mexico.

LABEL IN PART: "Home Made Enriched Bread" and "Joe's Cinnamon [or "Sweet"] Rolls."

CHARGE: 402 (a) (3)—contained cockroach fragments, fly fragments, larval parts, other insect parts, and rodent hairs; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-25-55. \$750 fine.

22119. Cakes. (F. D. C. No. 35145. S. Nos. 577-L, 34-864 L, 70-914 L.)

INFORMATION FILED: On or about 9-3-53, S. Dist. Ind., against Main Street Bakery Corp., Evansville, Ind.

SHIPPED: Between 3-12-53 and 3-19-53, from Indiana to Illinois and Kentucky.

LABEL IN PART: "49¢ Devil's Food Cake [or "Cocoanut Layer Cake 50¢"]
* * * Main Street Bakery, Inc. Evansville, Ind."

CHARGE: 402 (a) (3)—contained insect fragments, rodent hair fragments, insect larvae, and feather barbules; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-20-54. The court imposed a fine of \$100 on each of 3 counts, plus costs, and suspended the fine on counts 2 and 3.

22120. Frozen Chinese egg roll. (F. D. C. No. 37713. S. No. 13-159 M.)

QUANTITY: 76 cases, 12 7-oz. boxes each, at Philadelphia, Pa.

SHIPPED: 1-20-55, from Brooklyn, N. Y., by Temple Frosted Foods, Inc.

LIBELED: 3-17-55, E. Dist. Pa.

LABEL IN PART: (Box) "Temple's Frosted Foods Quick Frozen Chinese Egg Roll."

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-4-55. Default—destruction.

FLOUR

22121. Flour. (F. D. C. No. 37689. S. No. 13-183 M.)

QUANTITY: 187 100-lb. bags at Philadelphia, Pa.

SHIPPED: 1-21-55, from Salina, Kans., by Weber Flour Mills Co.

LIBELED: 3-1-55, E. Dist. Pa.

RESULTS OF INVESTIGATION: Investigation revealed that the railroad car in which the article was transported was rodent infested.

LABEL IN PART: "S Special Flour * * * Bleached."

CHARGE: 402 (a) (3)—contained rodent urine and rodent hairs; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-15-55. Consent—claimed by Reading Co., Philadelphia, Pa. Converted to animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

22122. Unpopped popcorn. (F. D. C. No. 37199. S. Nos. 60-110 L, 83-132 L, 88-727 L, 88-862 L.)

INFORMATION FILED: 12-23-54, S. Dist. Ohio, against Northwest Popcorn & Seed Co., a corporation, Delaware, Ohio, and John Jeisel, Jr., president and general manager.

SHIPPED: Between 5-12-54 and 5-28-54, from Ohio to Georgia, Iowa, and Michigan.

LABEL IN PART: (Bag) "Supreme 100 Lbs. Net Manley's Best Manley Jumbo Pop Corn Finest Selected Sealed in Quality Manley, Inc. Kansas City, Mo."; (can) "Big Pop Pop Corn Guaranteed To Pop Net Wt. 10 Ounces Northwest Popcorn & Seed Co. Delaware, Ohio"; (bag) "White Hulless 'Big Pop' * * * Pop Corn That Pops Gross Weight 101 lbs."

CHARGE: 402 (a) (3)—contained rodent excreta, rodent hairs, and rodent-gnawed kernels; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 1-24-55. Corporation fined \$1,200 and individual \$800.

22123. Unpopped popcorn. (F. D. C. No. 37165. S. Nos. 63-876/7 L.)

INFORMATION FILED: 11-30-54, S. Dist. Iowa, against William Chester Rice, t/a Excel Popcorn Co., Fairfield, Iowa.

SHIPPED: Between 1-28-54 and 4-7-54, from Iowa to Missouri.

LABEL IN PART: (Bag) "Top Value Hy-Bird Pop Corn Net Weight 1 Lb. Packed By Excel Popcorn Company Fairfield, Iowa."

CHARGE: 402 (a) (3)—contained rodent excreta, rodent urine, and rodent-gnawed kernels; and, 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-21-54. \$400 fine, plus costs.

22124. Bulk wheat. (F. D. C. No. 36866. S. Nos. 76-552/3 L.)

QUANTITY: 117,000 lbs. at Tacoma, Wash.

SHIPPED: 6-3-54, from Carter, Mont., by Farmers Union Grain Terminal Association.

LIBELED: 7-1-54, W. Dist. Wash.

CHARGE: 402 (a) (2)—when shipped, contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 7-13-54. Consent—claimed by Farmers Union Grain Terminal Association. Segregated, 2,650 lbs. destroyed.

22125. Wheat cereals. (F. D. C. No. 35813. S. Nos. 45-831/2 L, 50-426 L, 83-686 L.)

INDICTMENT RETURNED: 12-1-54, Dist. Mass., against Ararat Co., Inc., Boston, Mass., and Sarkis G. Sarkisian, president.

SHIPPED: Between 1-27-54 and 2-1-54, from Massachusetts to Connecticut, New York, and Minnesota.

LABEL IN PART: (Bag) "Ararat Whole Wheat Cereal 5 Lbs. Net Weight Ararat Company, Inc. 150 Commercial St. Boston, Mass." or "Ararat Co., Inc. Wheat Cereal Boston, Mass. Net Wgt. 99 Lbs. [or "98 Lbs."]."

CHARGE: 402 (a) (3)—contained rodent excreta and rodent hair fragments; and, 402 (a) (4), prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-14-55. Corporation and individual each fined \$600.

22126. Enriched hominy grits. (F. D. C. No. 35836. S. Nos. 59-449 L, 59-677/9 L.)

INFORMATION FILED: 7-12-54, M. Dist. Ga., against the Eelbeck Milling Co., Inc., Columbus, Ga., and Harold D. Buck, president of the corporation.

SHIPPED: Between 5-27-53 and 7-30-53, from Georgia to Alabama.

LABEL IN PART: (Bag) "Enriched Eelbeck Hominy Grits."

CHARGE: 403 (g) (1)—failed to conform to the standard of identity since it contained less than 2.0 milligrams of thiamine; less than 1.2 milligrams of riboflavin; less than 16 milligrams of niacin or niacinamide; and less than 13 milligrams of iron (Fe), when shipped.

PLEA: Nolo contendere.

DISPOSITION: 9-9-54. Each defendant fined \$200.

DAIRY PRODUCTS**BUTTER**

22127. Butter. (F. D. C. No. 35824. S. Nos. 57-505 L, 58-563 L, 59-173 L, 59-175 L.)

INFORMATION FILED: 6-29-54, N. Dist. Iowa, against Frank Pilley & Sons, Inc., Sioux City, Iowa, and O. William Christensen, the manager of the firm's Sioux City creamery.

SHIPPED: Between 8-3-53 and 8-21-53, from Iowa to Florida, Illinois, and Maryland.

LABEL IN PART: (Box) "Half Pound Heat Sealed Pak Net Weight 32 Lbs. Fine Sweet Butter (Unsalted)"; (carton) "Pilley's Fine Butter One Pound"; (box) 8-5 Lb. Boxes * * * Pilley's Unsalted Butter Individual Servings."

CHARGE: 402 (a) (3)—contained larva heads, insect parts, insect fragments, manure fragments, fly setae, and fly fragments, and prepared with filthy cream; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-13-54. Corporation fined \$1,200, plus costs, and individual \$100.

22128. Butter. (F. D. C. No. 35740. S. Nos. 58-039 L, 61-562 L, 82-242 L.)

INDICTMENT RETURNED: 4-3-54, Dist. Kans., against Loren C. Ellis, t/a Paola Butter Co., Paola, Kans.

ALLEGED VIOLATION: On 8-28-46, the defendant gave to a firm engaged in the business of shipping butter in interstate commerce a guaranty to the effect that all food products shipped by the defendant to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On 7-28-53, the defendant shipped a number of prints of adulterated butter to the holder of the guaranty at Kansas City, Kans. In addition, on or about 7-21-53, the defendant shipped from Paola, Kans., to Chicago, Ill., a number of cartons of adulterated butter.

CHARGE: 402 (a) (3)—contained insects, insect fragments, fly setae, and moth scales, and was prepared with filthy cream.

PLEA: Guilty.

DISPOSITION: 9-10-54. \$500 fine, plus costs.

22129. Butter. (F. D. C. No. 37124. S. No. 71-647 L.)

QUANTITY: 19 66-lb. cartons at Hillside, N. J.

SHIPPED: 8-27-54, from Kansas City, Mo., by Harding Cream Co.

LIBELED: 9-14-54, Dist. N. J.

LABEL IN PART: "Ice Cream Sweet * * * Butter Distributed by Harding Cream Co. Omaha, Nebr. Town Talk."

CHARGE: 402 (a) (3)—contained decomposed substance while in interstate commerce.

DISPOSITION: 11-1-54. Consent—claimed by Sugar Creek Creamery Co., Danville, Ill.; converted into butter oil.

22130. Butter. (F. D. C. No. 37137. S. No. 72-770 L.)

QUANTITY: 33 70-lb. cubes and 28 lbs. at Carthage, Mo.

SHIPPED: 9-13-54 and 9-14-54, quantities of cream were shipped from Arkansas and Kansas to Carthage, Mo.

RESULTS OF INVESTIGATION: The above-mentioned cream, which was shipped in interstate commerce, subsequently was manufactured into butter at Carthage, Mo. Examination showed that the cream was decomposed.

LIBELED: 10-6-54, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 11-17-54. Default—destruction.

22131. Butter. (F. D. C. No. 37138. S. No. 82-914 L.)

QUANTITY: 134 64-lb. boxes at Chicago, Ill.

SHIPPED: 9-9-54, from Kansas City, Mo., by Galva Creamery Co.

LIBELED: 9-29-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 10-27-54. Consent—claimed by Fox DeLuxe Foods, Inc., Chicago, Ill.; converted into butter oil.

CHEESE

22132. Curd cheese. (F. D. C. No. 35755. S. No. 52-837 L.)

INFORMATION FILED: 5-28-54, S. Dist. N. Y., against Geraldine Z. DeStafeno, t/a Geral-Deene Dairy Products, Goshen, N. Y., and Samuel H. DeStafeno, manager of the business.

SHIPPED: 6-24-53, from New York to New Jersey.

LABEL IN PART: "Gerald-Deene Dairy Products Pasteurized Curd."

CHARGE: 402 (a) (3)—contained fly fragments and insects; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-17-54. Geraldine Z. DeStafeno fined \$100 and Samuel H. DeStafeno \$350.

22133. Cream cheese, muenster cheese, and neufchatel cheese. (F. D. C. No. 35566. S. Nos. 50-383/6 L.)

INFORMATION FILED: 3-29-54, E. Dist. Pa., against Meyer Zausner, Inc., New Holland, Pa., and John A. Flora, Jr., assistant secretary and sanitarian of the corporation.

SHIPPED: 8-25-53 and 9-1-53, from Pennsylvania to New York.

LABEL IN PART: "Regent Brand Pasteurized Muenster Cheese [or "Regent Cream Cheese" or "Sonnyboy Neufchatel"] Mfd. By Meyer Zausner, Inc. New Holland, Lancaster County, Pa." and "Sonnyboy Neufchatel * * * Mfd. By Sonnyboy Farms Co. New Holland, Lancaster County, Pa."

CHARGE: 402 (a) (3)—contained flies, fly parts, maggots, mites, insect fragments, rodent hairs, and cow hairs; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-20-54. Corporation fined \$1,500 and individual \$750.

EGGS

22134. Frozen eggs. (F. D. C. No. 35167. S. Nos. 36-390 L, 49-173 L, 51-553 L.)

INFORMATION FILED: 9-8-53, E. Dist. Ill., against Continent Frozen Foods Corp., National Stock Yards, Ill., Meyer M. Rosenbaum, president of the corporation, and Oscar L. Schoen, manager of the corporation's National Stock Yards plant.

SHIPPED: Between 7-3-52 and 8-12-52, from Illinois to Indiana, New Jersey, and New York.

LABEL IN PART: (Can) "30 Lbs. Net. Whole Eggs * * * Continent Frozen Foods Corp. National Stock Yards, Ill." or "Pointex Egg Yolk and White 30 Pounds Net Wt. Distributed By Independent Food Products Co., Inc. Newark, New Jersey."

CHARGE: 402 (a) (3)—a portion of the article contained insects, insect fragments, rodent hairs, and feather fragments, and a portion contained decomposed eggs, when shipped.

PLEA: Guilty.

DISPOSITION: 4-21-54. Corporation fined \$2,000; Rosenbaum, \$250; and Schoen, \$500.

22135. Frozen eggs. (F. D. C. No. 37228. S. No. 52-197 L.)

INFORMATION FILED: On or about 2-8-55, Dist. N. J., against A & L Egg Co., a partnership, Englewood, N. J., and Aaron Shamansky and Louis Shamansky, partners.

SHIPPED: 7-9-54, from New Jersey to New York.

CHARGE: 402 (a) (3)—contained flies, insect parts, and decomposed and bloody eggs; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-25-55. \$500 fine against partnership; imposition of sentence against individuals suspended and individuals placed on probation for 2 years.

22136. Frozen eggs. (F. D. C. No. 37579. S. No. 11-987 M.)

QUANTITY: 600 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 11-2-54, from Chicago, Ill., by Miles Friedman, Inc.

LIBELED: 1-25-55, E. Dist. N. Y.

LABEL IN PART: "Whole Eggs * * * Packed By Farmers Market Worthington, Minn."

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 2-23-55. Consent—claimed by Petersen Packing Corp., New York, N. Y. 94 30-lb. cans segregated as unfit, of which 3 were delivered to the Food and Drug Administration and the remainder denatured.

22137. Frozen eggs. (F. D. C. No. 37577. S. No. 17-301 M.)

QUANTITY: 224 30-lb. cans at Richmond, Va.

SHIPPED: 9-29-54, from Greenville, S. C., by Dixie Home Stores.

LIBELED: 1-6-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 2-18-55. Consent—Claimed by V. C. Dauber, trading as Dauber Bros., Chicago, Ill. 55 30-lb. cans segregated as unfit and denatured.

22138. Frozen eggs. (F. D. C. No. 37618. S. Nos. 12-658/9 M.)

QUANTITY: 89 30-lb. cans at New York, N. Y.

SHIPPED: 12-27-54 and 1-10-55, from Carlisle, Pa., by Carlisle Poultry & Egg Association, Inc.

LIBELED: 1-25-55, S. Dist. N. Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 4-18-55. Consent—claimed by Nearby Producers Egg & Poultry Marketing Co., New York, N. Y. 76 30-lb. cans segregated as unfit, denatured, and sold to a manufacturer of tanners' supplies.

22139. Frozen eggs. (F. D. C. No. 37348. S. No. 68-790 L.)

QUANTITY: 1,000 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 10-19-54, from Estherville, Iowa, by Paul G. Gray.

LIBELED: 11-15-54, E. Dist. N. Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 12-9-54. Consent—claimed by Paul G. Gray. Segregated, 62 30-lb. cans denatured.

22140. Frozen eggs. (F. D. C. No. 37321. S. No. 68-783 L.)

QUANTITY: 549 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 9-21-54, from Worthington, Minn.

RESULTS OF INVESTIGATION: Investigation showed that the eggs were in a partially defrosted condition when unloaded from the carrier at Brooklyn.

LIBELED: 10-29-54, E. Dist. N. Y.

CHARGE: 402(a) (3)—contained decomposed eggs while in interstate commerce.

DISPOSITION: 11-26-54. Consent—claimed by Nathan Erlich, Inc., New York, N. Y. Segregated, 53 cans denatured.

22141. Frozen eggs. (F. D. C. No. 37369. S. Nos. 11-982/3 M.)

QUANTITY: 827 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 10-26-54, from Worthington, Minn., by Farmers Market.

LIBELED: 11-26-54, E. Dist. N. Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 12-30-54. Consent—claimed by Morris Herman, New York, N. Y. Segregated, 301 cans denatured.

22142. Frozen eggs. (F. D. C. No. 37100. S. No. 68-771 L.)

QUANTITY: 112 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 7-16-54, from Sumner, Iowa, by Sumner Packing Co.

LIBELED: 9-22-54, E. Dist. N. Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 10-22-54. Consent—claimed by Nathan Erlich, Inc., New York, N. Y. Segregated, 10 cans denatured.

22143. Frozen eggs. (F. D. C. No. 37087. S. Nos. 71-362/8 L.)

QUANTITY: 1,790 30-lb. cans at Chicago, Ill.

SHIPPED: Between 5-18-54 and 7-9-54, from Burlington, Wis., by Echo Lake Farm Produce Co.

LIBELED: 9-9-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 10-5-54. Echo Lake Farm Produce Co., claimant, having denied none of the allegations of the libel, a decree of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion. 231 cans were found unfit and were denatured.

22144. Frozen egg product. (F. D. C. No. 37098. S. No. 60-942 L.)

QUANTITY: 381 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 7-9-54, from Bushnell, Ill., by Nichols & Co.

LIBELED: 9-22-54, E. Dist. N. Y.

LABEL IN PART: "Kirtex Whole Eggs * Yolks * Sugar * Salt."

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 10-13-54. Consent—claimed by Dexter Bishop Co., Inc., New York, N. Y. Segregated, 16 cans denatured.

FISH AND SHELLFISH

22145. Frozen fish sticks. (F. D. C. No. 38024. S. No. 15-270 M.)

QUANTITY: 1,253 cases, 12 10-oz. pkgs. each, at St. Louis, Mo.

SHIPPED: 3-26-55, from Eureka, Calif., by Theo. Weissich Fish Co., Inc.

LIBELED: 4-18-55, E. Dist. Mo.

LABEL IN PART: (Pkg.) "Rubert Brand Pre-Cooked Cod Fish Sticks."

CHARGE: 402 (a) (3)—contained rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-12-55. Default—destruction.

22146. Frozen cod fillets (4 seizure actions). (F. D. C. Nos. 37025, 37031, 37032, 37045. S. Nos. 58-392/7 L.)

QUANTITY: 1,504 cartons, 5 19-lb. blocks each, and 35 56-lb. cartons at Jersey City, N. J.

SHIPPED: Between 5-11-54 and 6-25-54, from Portland, Maine, by Fulham Bros., Inc.

LIBELED: Between 7-30-54 and 8-12-54, Dist. N. J.

LABEL IN PART: (Cartons) "Quick Frozen [or "Quick Frozen Skinless"] Prepared Cod Blocks Unwrapped * * * Produce of Iceland" or "Quick Frozen Cod, Glazed, Unwrapped Blocks, Skinless * * * Packed by: Icelandic State Fish Packing Centre, Fiskidjuver Rikisins. Reykjavik, Iceland."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 9-15-54. Consent—claimed by Coldwater Seafood Corp., New York, N. Y. The product was subsequently commingled with the product involved in notice of judgment No. 22147, after which the commingled lot was segregated, with the result that 27,669 pounds were found unfit and were denatured for use as fertilizer.

22147. Frozen cod fillets. (F. D. C. No. 37289. S. No. 5-307 L.)

QUANTITY: 321 cartons, 5 19-lb. blocks each, at Portland, Maine.

SHIPPED: 6-21-54, from Reykjavik, Iceland, by Icelandic Freezing Plants Corp.
LIBELED: 10-7-54, Dist. Maine.

LABEL IN PART: (Carton) "Quick Frozen Prepared Cod Blocks Unwrapped Glazed."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 10-29-54. Consent—claimed by Coldwater Seafood Corp., New York, N. Y. The product was subsequently commingled with the product involved in notice of judgment No. 22146, after which the commingled lot was segregated, with the result that 27,669 lbs. were found unfit and were denatured for use as fertilizer.

22148. Frozen cod fillets. (F. D. C. No. 37568. S. No. 146 M.)

QUANTITY: 384 19-lb. blocks at Portland, Maine.

SHIPPED: 9-7-54, from Reykjavik, Iceland, by Icelandic Freezing Plants Corp.

LIBELED: 12-31-54, Dist. Maine.

LABEL IN PART: "Quick Frozen Glazed Skinless Prepared Cod Blocks."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 1-12-55. Consent—claimed by Coldwater Seafood Corp., Nanticoke, Md. Product subsequently destroyed by claimant.

22149. Frozen cod fillets. (F. D. C. No. 37345. S. No. 591 L.)

QUANTITY: 63 cartons, 5 19-lb. blocks each, at Portland, Maine.

SHIPPED: 8-17-54, from Reykjavik, Iceland, by Icelandic Freezing Plants Corp.

LIBELED: 11-5-54, Dist. Maine.

LABEL IN PART: (Carton) "Quick Frozen Prepared Cod Blocks Unwrapped Glazed."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 11-17-54. Consent—claimed by Coldwater Seafood Corp., New York, N. Y. Converted into animal feed.

22150. Frozen flounder fillets. (F. D. C. No. 37358. S. No. 44-656 L.)

QUANTITY: 2,640 lbs. in 35 cartons at Boston, Mass.

SHIPPED: 10-19-54, from Vinalhaven, Maine, by Burnham & Morrill Co., to Ayer, Mass., and from there to Boston, Mass.

LIBELED: 11-9-54, Dist. Mass.

LABEL IN PART: (Carton) "Flounder Fillets * * * Packed by B & M Co. Gray Sole Portland Maine"; (wrapper) "Tichon Brand Fresh Frosted Flounder [or "Sealpakt Frosted Fillets Flounder"]."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 2-21-55. Default—destruction.

22151. Canned tuna. (F. D. C. No. 37629. S. No. 18-102 M.)

QUANTITY: 50 cases, 48 7-oz. cans each, at New Brunswick, N. J.

SHIPPED: 12-22-54, from Ponce, P. R., by South Pacific Canning Co.

LIBELED: 2-2-55, Dist. N. J.

LABEL IN PART: (Can) "College Town * * * Light Tuna Meat."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 3-11-55. Default—destruction.

22152. Canned tuna. (F. D. C. No. 37578. S. No. 1-043 M.)

QUANTITY: 33 cases, 48 6-oz. cans each, at Greenville, S. C.

SHIPPED: 11-26-54, from Ponce, P. R., by South Pacific Canning Co.

LIBELED: 1-8-55, W. Dist. S. C.

LABEL IN PART: (Can) "Halfhill's Brand * * * Chunk Style Tuna."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 2-16-55. Default—destruction.

22153. Fish roe. (F. D. C. No. 37619. S. Nos. 12-452 M, 12-464 M.)

QUANTITY: 600 lbs. in 4 kegs at New York, N. Y.

SHIPPED: Between 11-16-53 and 1-7-54, from Milwaukee, Wis., by Griffins Associated Fisheries.

LIBELED: 1-27-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained worms when shipped.

DISPOSITION: 2-11-55. Default—destruction.

22154. Fresh crabmeat. (F. D. C. No. 35735. S. Nos. 26-910 L, 64-252 L.)

INFORMATION FILED: 3-12-54, W. Dist. Wash., against Edwin A. Kaakinen, t/a Kaakinen Fish Co., Westport, Wash.

SHIPPED: 5-25-53 and 5-26-53, from Washington to California.

LABEL IN PART: "Sea Haven Fresh Fancy Crab Meat * * * Port Orford Fish Co. Port Orford, Oregon [or "Kaakinen Fish Co. Westport, Wash."]."

CHARGE: 403 (k)—contained a chemical preservative, sodium benzoate and fumaric acid, and failed to bear labeling stating that fact when shipped.

PLEA: Guilty.

DISPOSITION: 7-1-54. \$1,000 fine.

22155. Fresh crabmeat. (F. D. C. No. 37208. S. Nos. 75-582/3 L.)

INFORMATION FILED: 1-17-55, E. Dist. Va., against W. G. Evans, Messick, Va.

SHIPPED: 7-27-54, from Virginia to New York.

LABEL IN PART: (Can) "Regular [or "Backfin"] Crab Meat Packed by W. G. Evans Messick, Va. Va. 14-C."

CHARGE: 402 (a) (3)—contained *Escherichia coli* of fecal origin; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-7-55. \$200 fine.

22156. Oysters. (F. D. C. No. 37538. S. No. 2-395 M.)

QUANTITY: 84 1-pt. cans at Washington, D. C.

SHIPPED: 12-14-54, from Rock Point, Md., by Stephen N. Norris.

LIBELED: 12-15-54, Dist. Columbia.

LABEL IN PART: (Can) "Delicious Oysters Oysters Standards * * * MD 106."

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and 402 (b) (4)—water had been added to the product when shipped.

DISPOSITION: 12-23-54. The shipper having authorized that the product be given to charity, a decree of condemnation was entered and the product was delivered to a charitable institution.

22157. Oysters. (F. D. C. No. 31969. S. Nos. 6-944/5 L.)

QUANTITY: 630 1-pt. cans at Wheeling, W. Va.

SHIPPED: 10-22-51, from Weems, Va., by W. F. Morgan & Son.

LIBELED: 11-1-51, N. Dist. W. Va.

LABEL IN PART: (Can) "Oysters Standards [or "Selects"] * * * VA 92."

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; 402 (b) (4)—water had been added to the product; and, 403 (g) (1)—oysters failed to conform to standard of identity for oysters standards and oysters selects since they were not thoroughly drained when shipped.

DISPOSITION: 11-29-51. Default—destruction.

22158. Canned shrimp. (F. D. C. No. 35796. S. Nos. 47-859/60 L.)

INFORMATION FILED: 4-14-54, E. Dist. La., against Barre Seafood Co., a partnership, Houma, La.

SHIPPED: 10-14-53, from Louisiana to Puerto Rico.

LABEL IN PART: (Can) "Sea Fare Brand Small Shrimp Wet Pack Drained Weight 5 Ozs."

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped.

PLEA: Guilty.

DISPOSITION: 3-16-55. \$400 fine.

22159. Canned shrimp. (F. D. C. No. 35467. S. No. 47-638 L.)

QUANTITY: 49 cases, 48 5-oz. cans each, at Wilkes-Barre, Pa.

SHIPPED: 8-11-53, from New Orleans, La., by Reuther's Seafood Co., Inc.

LIBELED: 9-2-53, M. Dist. Pa.

LABEL IN PART: (Can) "Marvelous Brand Small Shrimp."

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped.

DISPOSITION: 9-30-54. Consent—claimed by Reuther's Seafood Co., Inc. Segregated, 16 cases destroyed.

22160. Canned shrimp. (F. D. C. No. 35962. S. No. 73-762 L.)

QUANTITY: 24 cases, 24 5-oz. cans each, at Wilkes-Barre, Pa.

SHIPPED: 9-16-53, from New Orleans, La., by Reuther's Seafood Co., Inc.

LIBELED: 11-9-53, M. Dist. Pa.

LABEL IN PART: (Can) "Marvelous Brand Medium Shrimp."

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped.

DISPOSITION: 9-30-54. Consent—claimed by Reuther's Seafood Co., Inc. Segregated, 7½ cases destroyed.

22161. Frozen shrimp. (F. D. C. No. 36739. S. No. 67-520 L.)

QUANTITY: 155 cases, 10 5-lb. cartons each, at Biloxi, Miss.

SHIPPED: 4-15-54, from Brownsville, Tex., by Producers Marine Service, Inc.

LIBELED: 5-10-54, S. Dist. Miss.

CHARGE: 402 (a) (3)—contained decomposed shrimp.

DISPOSITION: 6-18-54. Consent—claimed by Clark Seafood Co., Brownsville, Tex. Segregated, 149 5-lb. cartons destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

22162. Canned blueberries. (F. D. C. No. 37581. S. No. 12-833 M.)

QUANTITY: 129 cases, 6 6-lb., 6-oz. cans each, at Leesport, Pa.

SHIPPED: 8-31-54, from Cedarville, N. J., by Clement Pappas & Co.

LIBELED: 1-5-55, E. Dist. Pa.

LABEL IN PART: (Can) "Pappas Brand Blueberries."

CHARGE: 402 (a) (3)—contained maggots when shipped.

DISPOSITION: 3-28-55. Default—destruction.

DRIED FRUIT

22163. Dried cherries. (F. D. C. No. 37584. S. No. 14-865 M.)

QUANTITY: 38 30-lb. cartons at New York, N. Y.

SHIPPED: 12-7-54, from San Jose, Calif., by Abinante & Nola.

LIBELED: 1-10-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent excreta when shipped.

DISPOSITION: 2-8-55. Default—destruction.

22164. Raisins. (F. D. C. No. 36874. S. No. 79-879 L.)

QUANTITY: 599 30-lb. cases at Yonkers, N. Y.

SHIPPED: 6-3-54, from San Francisco, Calif., by Jack Gomperts & Co., Inc.

RESULTS OF INVESTIGATION: An inspection of Central Valley Raisin Co., Selma, Calif., the manufacturer of the article, revealed the existence of insanitary conditions which would result in contamination of the article manufactured.

LIBELED: 7-13-54, S. Dist. N. Y.

LABEL IN PART: "California Raisins * * * Honeybunch Brand Select Natural Thompson Seedless Raisins."

CHARGE: 402 (a) (3)—contained insects and insect parts; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 8-11-54. Consent—claimed by Central Valley Raisin Co. Segregated, 350 lbs. destroyed.

22165. Raisins. (F. D. C. No. 36919. S. No. 81-121 L.)

QUANTITY: 439 30-lb. cases at Stockton, Calif.

SHIPPED: 7-30-54, by Central California Packing Co., from Del Rey, Calif., to Stockton, Calif., for shipment to Alabama.

LIBELED: 8-16-54, N. Dist. Calif.

LABEL IN PART: "Del Cara Select Seedless Raisins."

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 9-9-54. Consent—claimed by Central California Packing Co. Converted into distillery stock.

22166. Raisins. (F. D. C. No. 37580. S. No. 2-390 M.)

QUANTITY: 218 30-lb. cases at Baltimore, Md.

SHIPPED: 12-9-54, from Washington, D. C. (return shipment).

LIBELED: On or about 1-5-55, Dist. Md.

LABEL IN PART: "Lion California Brand Natural Midget Thompson Seedless Raisins Packed By Lion Packing Co. Fresno, Calif."

CHARGE: 402 (a) (3)—contained insects and insect parts when shipped.

DISPOSITION: 2-2-55. Consent—claimed by Chaimson & Robinson Co., Inc., Baltimore, Md. Product used in production of alcohol.

22167. Raisins. (F. D. C. No. 37602. S. Nos. 16-999 M, 17-000 M.)

QUANTITY: 170 30-lb. cases at Baltimore, Md.

SHIPPED: 10-19-54, from Stockton, Calif., by Tusan Packing Co.

LIBELED: On or about 1-13-55, Dist. Md.

LABEL IN PART: "Tusan Brand * * * Thompson Seedless Raisins."

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs when shipped.

DISPOSITION: 2-14-55. Default—consumption by animals.

22168. Raisins (2 seizure actions). (F. D. C. Nos. 36891, 36892. S. No. 79-790 L.)

QUANTITY: 162 30-lb. cases at Brooklyn and Richmond Hill, N. Y.

SHIPPED: 5-21-54, from Del Rey, Calif., by Enoch Packing Co., Inc.

LIBELED: 7-21-54, E. Dist. N. Y.

LABEL IN PART: "Airport Brand Midget Thompson Seedless Raisins."

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 9-7-54. Consent—claimed by Enoch Packing Co., Inc. Converted to distillery stock.

22169. Raisins. (F. D. C. No. 36890. S. No. 79-790 L.)

QUANTITY: 71 30-lb. cases at New York, N. Y.

SHIPPED: 5-21-54, from Del Rey, Calif., by Enoch Packing Co., Inc.

LIBELED: 7-16-54, S. Dist. N. Y.

LABEL IN PART: "Airport Brand Midget Thompson Seedless Raisins."

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 8-24-54. Consent—claimed by Enoch Packing Co., Inc. Converted to distillery stock.

FRESH FRUIT

22170 Fresh blueberries. (F. D. C. No. 37130. S. Nos. 66-444/5 L, 66-447/8 L, 66-450 L, 66-456/7 L.)

QUANTITY: 56 cases, 16 1-qt. boxes each, and 31 cases, 8 1-qt. boxes each, at Chicago, Ill.

SHIPPED: Between 8-1-54 and 8-5-54, from Michigan to Chicago, Ill.

LIBELED: 9-15-54, N. Dist. Ill.

LABEL IN PART: "Blueberries Julius Becker R. 1 Hartford, Mich.," "From Amos Rosewell Hartford, Mich.," "Blue Berries T. A. Dumetz Rt. 2—Hartford, Mich.," "Blueberries Berlin St. John Hartford, Mich.," "Garland Smith Dowagiac, Mich. R. R. 4 Blueberries," "Willie Moore Gen Del Eau Claire, Mich.," and "Michigan Huckleberries Grown By Wesley Bisnett Route 2 Watervliet."

CHARGE: 402 (a) (3)—contained maggots when shipped.

DISPOSITION: 12-29-54. Default—destruction.

22171. Maraschino cherries. (F. D. C. No. 37467. S. No. 13-010 M.)

QUANTITY: 1 bbl. at Cincinnati, Ohio.

SHIPPED: 12-2-54, from Philadelphia, Pa., by Eastern Candy Co.

LIBELED: 12-9-54, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 12-22-54. Default—destruction.

FROZEN FRUIT

22172. Frozen blueberries. (F. D. C. No. 37131. S. Nos. 71-301/6 L.)

QUANTITY: 404 crates, 16 1-qt. boxes each, at Chicago, Ill.

SHIPPED: Between 7-25-54 and 8-5-54, from Benton Harbor, Mich., by H. K. Cupp & Sons.

LIBELED: 8-31-54, N. Dist. Ill.

LABEL IN PART: "Blueberries Berlin St. John Hartford, Mich.," "Viv & Mac Booth's Huckleberries Marcellus, Mich.," "Blueberries H. J. Franz R. 2 Decatur, Mich.," "Wayne Curtis Berrien Center, Mich.," "Huckleberries A. R. Franz R. 2 Dowagiac, Mich.," and "Michigan Huckleberries Grown by Wesley Bisnett Route 2 Watervliet."

CHARGE: 402 (a) (3)—contained maggots when shipped.

DISPOSITION: 10-5-54. Consent—claimed by Nathan Kolodenko, Chicago, Ill. After an attempt to segregate the product failed, the blueberries were destroyed.

MISCELLANEOUS FRUIT PRODUCTS

22173. Fruit pulp and fruit juices. (Inj. No. 72.)

COMPLAINT FOR INJUNCTION FILED: 8-29-44, W. Dist. Pa., against Sunshine Packing Corp., North East, Pa., Fred L. Rahal, president, Harry J. Bowes, secretary, and Philip H. Seene, superintendent of the corporation, to enjoin the interstate shipment of adulterated fruit pulp and fruit juices.

CHARGE: That the defendants had been engaged in the business of purchasing various kinds of fruit and manufacturing therefrom fruit pulp and fruit juices adulterated under 402 (a) (3) and (4), and then selling such pulp and juices throughout the United States for use in the manufacture of preserves, jams, and other food products; that factory inspections of the corporation's plant at various times between 1940 and 1944 by inspectors of the Food and Drug Administration had revealed that filthy, decomposed, and unfit raw materials had been used and have continued to be used in the manufacture of the corporation's fruit products; that repeated warnings to the defendants had had no effect in bringing about a discontinuation of the insanitary and objectionable practices; and, that unless restrained, the defendants would

continue to introduce into interstate commerce food products in violation of the Act.

DISPOSITION: On 8-29-44, the court issued a temporary restraining order enjoining the defendants against shipping in interstate commerce any food products that were adulterated by reason of consisting in part of a filthy or decomposed substance, or by reason of having been prepared, packed, or held under insanitary conditions. No further proceedings with respect to final judgment in the matter have been reported.

22174. Diced glace fruits. (F. D. C. No. 37009. S. No. 88-901 L.)

QUANTITY: 40 45-lb. cans at Milwaukee, Wis.

SHIPPED: Between 9-3-54 and 10-5-54, from Chicago, Ill., by L. Karp & Sons, Inc.

LIBELED: 10-22-54, E. Dist. Wis.

LABEL IN PART: "Super Deluxe Diced Peel And Fruit."

CHARGE: 402 (a) (3)—contained insects, fly parts, and other insect fragments; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-16-54. Consent—claimed by L. Karp & Sons, Inc. Product reconditioned by removal from cans and thorough washing to remove all filth.

22175. Apple cider. (F. D. C. No. 37002. S. No. 72-782 L.)

QUANTITY: 190 cases, 4 1-gallon jugs each, at St. Louis, Mo.

SHIPPED: 9-28-54, from Belleville, Ill., by Eckert Orchards Associates, Inc.

LIBELED: On or about 10-25-54, E. Dist. Mo.

LABEL IN PART: (Jug) "Eckert's Sweet Apple Cider."

CHARGE: 402 (a) (3)—contained insect filth; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-21-54. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS*

22176. Canned corn. (F. D. C. No. 37767. S. No. 6-015 M.)

QUANTITY: 55 cases, 48 8¾-oz. cans each, at Nashville, Tenn.

SHIPPED: 11-3-54, from Milford, Ill., by Milford Canning Co.

LIBELED: 1-24-55, M. Dist. Tenn.

LABEL IN PART: (Can) "Colonial Cream Style Country Gentleman White Sweet Corn."

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-19-55. Default—consumption by animals.

22177. Canned sauerkraut. (F. D. C. No. 37585. S. Nos. 3-099/100 M.)

QUANTITY: 174 cases, 24 14-oz. cans each, and 172 cases, 24 1-lb., 11-oz. cans each, at Norwich, Conn.

SHIPPED: 10-21-54 and 11-17-54, from Palmyra, N. Y., by L. C. Forman & Sons.

LIBELED: 1-13-55, Dist. Conn.; libel amended 2-8-55.

LABEL IN PART: (Can) "Thames Valley Fancy Sauerkraut."

*See also No. 22184.

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-21-55. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

22178. Canned tomatoes. (F. D. C. No. 33898. S. No. 3-738 L.)

QUANTITY: 1,600 cases, 24 1-lb. cans each, at Orangeburg, S. C.

SHIPPED: 9-10-52, from Baltimore, Md., by Oriole Packing Co., Inc.

LIBELED: 10-3-52, E. Dist. S. C.

LABEL IN PART: (Can) "Essex Brand * * * Tomatoes."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: On 1-2-53, a letter in the nature of an answer was filed by the Oriole Packing Co., Inc. When the case was called for trial on 4-13-53, no response was made by the claimant; and, on 5-5-53, a decree was entered condemning the article and ordering its destruction.

22179. Canned tomatoes (3 seizure actions). (F. D. C. Nos. 32341, 32361, 32650. S. Nos. 33-131 L, 34-089 L, 35-613 L.)

QUANTITY: 542 cases at Duluth, Minn., 399 cases at Green Bay, Wis., and 450 cases at St. Louis, Mo. Each case contained 24 1-lb., 3-oz. cans.

SHIPPED: Between 10-18-51 and 11-1-51, from New Castle, Ind., by the Westwood Canning Co.

LIBELED: 12-29-51, Dist. Minn.; 1-9-52, E. Dist. Wis.; and 2-8-52, E. Dist. Mo.

LABEL IN PART: (Can) "Westwood Brand Tomatoes" or "Wizdom Tomatoes."

CHARGE: 402 (a) (3)—all lots contained fly eggs and maggots, and the 450-case lot and the 542-case lot contained decomposed tomato material when shipped; and, 402 (a) (4)—all lots were prepared under insanitary conditions.

DISPOSITION: The Westwood Canning Co., an Indiana corporation, appeared as claimant in all three cases. Pursuant to an agreement entered into between counsel for the claimant and the United States attorneys, orders for the consolidation and removal of these cases for trial in the Southern District of Ohio were entered on 3-7-52 and 3-21-52. Subsequently, interrogatories served upon the Government by the claimant were answered. A motion to amend the three libels to include a charge of adulteration within the meaning of Section 402 (a) (4) was filed, and on 10-3-52, the entry granting the motion was filed.

Exceptions to the three libels were filed by the claimant on the ground that the libels failed to allege that the tomatoes involved were adulterated to the extent of being unfit for human consumption. On 12-31-52, an order was entered overruling the exceptions. The Government filed interrogatories and a request for admissions on 12-22-52, to which the claimant subsequently replied.

On 12-31-52, an answer was filed by the claimant denying that the products were adulterated as alleged in the libels. The consolidated cases came to trial before the court and jury on 1-19-53. A verdict for the Government was returned by the jury on 2-16-53, and on 3-16-53, judgments of condemnation were entered, which permitted the release of the tomatoes under bond to the claimants to be brought into compliance with the law.

On 5-4-53, the claimant filed a document entitled "Motion for Relief from Judgment." This document consisted of three separate motions: a motion to set aside the verdict and the decree, a motion for a new trial, and a motion to modify the decree. On 6-11-53, an order was entered overruling these motions. Thereafter, the claimant failed to exercise the privilege granted to it to bring the tomatoes into compliance with the law, and on 10-14-53, orders of destruction were entered. The lot seized in Wisconsin was destroyed, and the lots seized in Minnesota and Missouri were delivered to charitable institutions to be consumed by animals.

22180. Canned tomatoes. (F. D. C. No. 36895. S. No. 87-852 L.)

QUANTITY: 818 cases, 24 1-lb. cans each, at Philadelphia, Pa.

SHIPPED: 6-24-54, from Chestertown, Md., by A. W. Sisk & Son.

LIBELED: 7-19-54, E. Dist. Pa.

LABEL IN PART: (Can) "Red-Glo Tomatoes."

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 8-11-54. Consent—claimed by Chester Packing Co., Chestertown, Md. Segregated, 252 cases destroyed.

22181. Canned tomatoes. (F. D. C. No. 37574. S. No. 2-388 M.)

QUANTITY: 585 cases, 24 1-lb. cans each, at Washington, D. C.

SHIPPED: Between 8-12-54 and 11-2-54, from Delta, Pa., by R. D. and D. B. Snyder.

LIBELED: 1-4-55, Dist. Columbia.

LABEL IN PART: (Can) "Aunt Nellie's Solid Pack Tomatoes."

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-23-55. Default—consumption by animals.

22182. Canned tomatoes. (F. D. C. No. 37596. S. No. 12-822 M.)

QUANTITY: 273 cases, 24 1-lb., 3-oz. cans each, at Philadelphia, Pa.

SHIPPED: 10-5-51, from Hightstown, N. J., by Farm Fresh Packing Corp.

LIBELED: 1-10-55, E. Dist. Pa.

LABEL IN PART: (Can) "Little Darling * * * Tomatoes."

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 3-28-55. Default—destruction.

22183. Canned tomatoes. (F. D. C. No. 37354. S. No. 78-011 L.)

QUANTITY: 148 cases, 24 1-lb. cans each, at Wallace, N. C.

SHIPPED: 7-20-54, from Cambridge, Md., by Phillips Packing Co., Inc.

LIBELED: 11-19-54, E. Dist. N. C.

LABEL IN PART: (Can) "Phillips Delicious * * * Tomatoes."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-26-55. Consent—claimed by Phillips Packing Co., Inc. Segregated, 924 cans destroyed.

22184. Canned tomatoes and canned peas. (F. D. C. No. 37051. S. Nos. 80-682/3 L.)

QUANTITY: 661 cases, 24 14-oz. cans each, of tomatoes, and 252 cases, 24 1-lb. cans each, of peas at Philadelphia, Pa.

SHIPPED: 7-27-54, from Milford, Del., by Torsch Canning Co.

LIBELED: 8-30-54, E. Dist. Pa.

LABEL IN PART: (Can) "Standard Grade Cardinal Brand * * * Tomatoes" or "Badger Brand * * * Early June Peas."

CHARGE: 402 (a) (3)—both lots contained a decomposed substance when shipped; and, 403 (h) (1)—the peas fell below the standard of quality for canned peas in that the alcohol-insoluble solids were more than 23.5 percent, and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: 10-20-54. Default—destruction.

22185. Tomato catsup. (F. D. C. No. 37546. S. No. 12-823 M.)

QUANTITY: 99 cases, 24 14-oz. btls. each, at Philadelphia, Pa.

SHIPPED: 11-22-54, from Hammonton, N. J., by C & E Cannery, Inc.

LIBELED: 12-21-54, E. Dist. Pa.

LABEL IN PART: (Btl.) "Little Darling Tomato Catsup."

CHARGE: 402 (a) (3)—contained fly eggs and maggots; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-23-55. Default—destruction.

22186. Tomato juice. (F. D. C. No. 37614. S. No. 12-868 M.)

QUANTITY: 79 cases, each containing 12 1-qt., 14-oz. cans, at Philadelphia, Pa.

SHIPPED: 9-29-54, from Melrose, Md., by Melrose Canning Co.

LIBELED: 1-17-55, E. Dist. Pa.

LABEL IN PART: (Can) "Loveland Brand * * * Tomato Juice."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 4-4-55. Default—destruction.

NUTS

22187. Unshelled brazil nuts. (F. D. C. No. 37403. S. No. 86-078 L.)

QUANTITY: 103 100-lb. bags at Minneapolis, Minn.

SHIPPED: 9-20-54, from New York, N. Y., by Wm. A. Higgins & Co., Inc.

LIBELED: 11-5-54, Dist. Minn.

LABEL IN PART: "Bras II Ben * * * Polished Nuts * * * Product of Brazil."

CHARGE: 402 (a) (3)—contained moldy, rancid, and otherwise decomposed nuts when shipped.

DISPOSITION: 11-30-54. Consent—claimed by Wm. A. Higgins & Co., Inc. Segregated, 1,405 lbs. denatured.

22188. Shelled cashew nuts. (F. D. C. No. 36987. S. No. 74-560 L.)

QUANTITY: 594 cases, 2 25-lb. tins each, at Los Angeles, Calif.

SHIPPED: 8-7-54, from New York, N. Y., by General Foods Corp.

LIBELED: 10-5-54, S. Dist. Calif.

LABEL IN PART: (Tin) "Cashew Kernels Produce of India."

CHARGE: 402 (a) (3)—contained insects while in interstate commerce.

DISPOSITION: 10-29-54. Consent—claimed by General Foods Corp., White Plains, N. Y. Segregated, 150 lbs. destroyed.

22189. Shelled cashew nuts. (F. D. C. No. 36964. S. No. 85-405 L.)

QUANTITY: 100 cases, 2 25-lb. tins each, at Minneapolis, Minn.

SHIPPED: 8-27-54, from New York, N. Y., by Pan American Food Co., Inc.

LIBELED: 9-22-54, Dist. Minn.

LABEL IN PART: (Tag inside tin) "Shelled Cashew Nuts Packed By Danalaxmi Vilas Cashew Company Quilon, S. India."

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 11-16-54. Consent—claimed by Pan American Food Co., Inc. Segregated, 540 lbs. destroyed.

22190. Unshelled pecans. (F. D. C. No. 37333. S. Nos. 66-429/30 L.)

QUANTITY: 500 100-lb. bags at Chicago, Ill.

SHIPPED: 8-16-54, from McRae, Ga., by Valda Wooten.

LIBELED: 11-3-54, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained moldy, rancid, and otherwise decomposed nuts when shipped.

DISPOSITION: 1-19-55. Consent—claimed by Valda Wooten. Segregated, 8,858 lbs. destroyed.

POULTRY

22191. Frozen dressed poultry. (F. D. C. No. 35131. S. Nos. 31-650 L, 34-768 L.)

INFORMATION FILED: 10-5-53, N. Dist. Ill., against H. L. Brown & Son, Inc., Chicago, Ill.

SHIPPED: 11-14-52, from Illinois to Arkansas.

CHARGE: 402 (a) (3)—contained fecal matter, crop material, and decomposed poultry; and, 402 (a) (5)—contained diseased poultry when shipped.

DISPOSITION: The defendant filed a motion to dismiss the information on the ground that it had acted in good faith without knowledge of the adulteration of the article and that the article had been received by the defendant in interstate commerce and sold by it in the same form as received. The motion was overruled on 2-25-54 after consideration of the pleadings and the briefs. On 10-22-54, after entry of a plea of guilty, the court imposed a fine of \$100, plus costs.

22192. Dressed poultry. (F. D. C. No. 35191. S. Nos. 25-802 L, 66-869 L.)

INFORMATION FILED: 10-12-53, Dist. Del., against Paramount Poultry Sales Co., a partnership, Harbeson, Del.

SHIPPED: 12-19-51 and 3-25-53, from Delaware to Pennsylvania.

CHARGE: 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 10-29-54. \$500 fine.

22193. Dressed poultry. (F. D. C. No. 36978. S. No. 68-302 L.)

QUANTITY: 10,390 lbs. in 339 crates at Mobile, Ala.

SHIPPED: 9-13-54, from Morton, Miss., by B. C. Rogers & Sons, Inc.

LIBELED: 10-4-54, S. Dist. Ala.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 11-4-54. Consent—claimed by B. C. Rogers & Sons, Inc. Segregated, 1,200 lbs. destroyed.

22194. Dressed poultry. (F. D. C. No. 37572. S. No. 11-865 M.)

QUANTITY: 887 lbs. in 12 crates at New York, N. Y.

SHIPPED: 12-15-54 and 12-16-54, from Ocean City, Md., by Seaside Poultry Co.

LIBELED: 1-6-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material and extensively bruised birds when shipped.

DISPOSITION: 2-2-55. Default—destruction.

22195. Dressed poultry. (F. D. C. No. 32394, S. No. 25-802 L.)

QUANTITY: 850 lbs. in 13 crates at Philadelphia, Pa.

SHIPPED: 12-19-51, from Harbeson, Del., by Paramount Poultry Sales Co.

LIBELED: 1-2-52, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained crop matter, fecal matter, and feathers; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 12-30-53. Default—destruction.

22196. Dressed turkeys. (F. D. C. No. 37575. S. No. 11-866 M.)

QUANTITY: 252 lbs. in 5 crates at New York, N. Y.

SHIPPED: 12-21-54, from Wakefield, Va., by Pocahontas Poultry Co.

LIBELED: 1-6-55, S. Dist. N. Y.

LABEL IN PART: "Tom Turk."

CHARGE: 402 (a) (3)—contained dirt and extensively bruised birds; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 2-9-55. Default—portion delivered to Food and Drug Administration and remainder destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

22197. Yellow mustard seed and prepared yellow mustard. (F. D. C. No. 36582. S. Nos. 82-735 L, 82-738 L.)

INFORMATION FILED: 9-7-54, W. Dist. Pa., against H. F. Botsford & Co., a partnership, Carnegie, Pa., and Harvey F. Botsford, a partner.

ALLEGED VIOLATION: Between 10-7-53 and 1-27-54, the defendants caused bags of yellow mustard seed which were being held for sale to be placed in a building that was accessible to flies and rodents and to be exposed to contamination by flies and rodents.

On 1-25-54, the defendants caused prepared yellow mustard to be shipped from Pennsylvania to West Virginia.

LABEL IN PART: (Jar) "Tweed's Brand Prepared Yellow Mustard Contents One Quart."

CHARGE: 402 (a) (3)—the yellow mustard seed contained flies and rodent excreta, and the prepared yellow mustard contained rodent hair fragments; and, 402 (a) (4)—the yellow mustard seed was held under insanitary conditions, and the prepared yellow mustard was prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-24-55. Each defendant fined \$100, plus costs.

22198. Mustard seed. (F. D. C. No. 35466. S. No. 74-252 L.)

QUANTITY: 223 90-lb. bags at Los Angeles, Calif.

SHIPPED: 7-30-53, from Sunburst, Mont., by E. L. McDonnell & Co.

LIBELED: 8-26-53, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 10-19-53. Consent—claimed by E. L. McDonnell & Co., Spokane, Wash. Segregated, 2,158 lbs. destroyed.

22199. Red pepper hulls in brine. (F. D. C. No. 37334. S. No. 72-622 L.)

QUANTITY: 5 285-lb. bbls. at Baltimore, Md.

SHIPPED: 10-15-54, from Marydel, Del., by L. A. Covell Co., Inc.

LIBELED: On or about 10-28-54, Dist. Md.

CHARGE: 402 (a) (3)—contained flies, fly parts, other insects and insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 11-22-54. Consent—claimed by L. A. Covell Co., Inc. The product was satisfactorily reconditioned by thorough washing to remove all filth.

22200. Sesame seed. (F. D. C. No. 37387. S. No. 72-889 L.)

QUANTITY: 30 150-lb. bags at St. Louis, Mo.

SHIPPED: 9-23-54, from Brooklyn, N. Y., by Becker-Mayer Seed Co., Inc.

LIBELED: 10-27-54, E. Dist. Mo.

LABEL IN PART: "B M & Co., Inc. New York Product of Nicaragua."

CHARGE: 402 (a) (3)—contained insects, insect excreta, and insect webbing when shipped.

DISPOSITION: 12-15-54. Consent—claimed by Becker-Mayer Seed Co., Inc. Segregated, 393 lbs. destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22101 TO 22200

PRODUCTS

	N. J. No.		N. J. No.
Apple juice	22175	Brazil nuts, unshelled	22187
Bakery products	22117-22120	Bread and rolls	22117, 22118, 22120
Beverages and beverage materials	¹ 22101-22103, 22175, 22186	Butter	22127-22131
Blueberries, canned	22162	Cakes	22119
fresh	22170	Candy	22104-22109
frozen	22172	Cashew nuts, shelled	22188, 22189
		Catsup, tomato	22185

¹ (22102) Prosecution contested.

	N. J. No.		N. J. No.
Cereals and cereal products-----	22117-22126	Fruits and vegetables—Cont. vegetables and vegetable products-----	22176, 22177, 22184
Cheese, cream-----	22133	Glace fruits, diced-----	22174
curd-----	22132	Grits, hominy, enriched-----	22126
muenster-----	22133	Hominy grits, enriched-----	22126
neufchatel-----	22133	Maraschino cherries-----	22171
Cherries, dried-----	22163	Muenster cheese-----	22133
maraschino-----	22171	Mustard, prepared-----	22197
Chinese egg roll, frozen-----	22120	seed-----	22197, 22198
Cider, apple. <i>See</i> apple juice.		Neufchatel cheese-----	22133
Cocoa-----	22110-22115	Nuts-----	22187-22190
dust-----	22116	Oysters-----	22156, 22157
Cod fillets, frozen-----	22146-22149	Peas, canned-----	22184
sticks, frozen-----	22145	Pecans, unshelled-----	22190
Coffee-----	22101, ¹ 22102	Pepper hulls, red, in brine-----	22199
soluble-----	22103	Popcorn, unpopped-----	22122, 22123
Corn, canned-----	22176	Poultry-----	22191-22196
Crabmeat, fresh-----	22154, 22155	Raisins-----	22164-22169
Cream cheese-----	22133	Roe, fish-----	22153
Curd cheese-----	22132	Rolls. <i>See</i> Bread and rolls.	
Dairy products-----	22127-22133	Sauerkraut, canned-----	22177
Egg(s), frozen-----	22134-22143	Sesame seed-----	22200
product, frozen-----	22144	Shellfish. <i>See</i> Fish and shellfish.	
roll, Chinese, frozen-----	22120	Shrimp, canned-----	22158-22160
Fish and shellfish-----	22145-22161	frozen-----	22161
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Spices, flavors, and seasoning materials-----	22197-22200
Flounder fillets, frozen-----	22150	Tomato(es), canned-----	22178-22184
Flour-----	22121	catsup-----	22185
Fruits and vegetables----- ²	22162-22186	juice-----	22186
fruit, canned-----	22162	Tuna, canned-----	22151, 22152
dried-----	22163-22169	Turkeys. <i>See</i> Poultry.	
fresh-----	22170, 22171	Vegetables. <i>See</i> Fruits and veg- etables.	
frozen-----	22172	Wheat, bulk-----	22124
miscellaneous fruit prod- ucts----- ²	22173-22175	cereals-----	22125
tomatoes and tomato prod- ucts-----	22178-22186		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
A & L Egg Co.:		American Caramel Co.:	
frozen eggs-----	22135	candy-----	22104
Abinante & Nola:		Andrew's Coffee Co., Inc.:	
dried cherries-----	22163	coffee-----	22101
Adler, Arthur:		Ararat Co., Inc.:	
bread-----	22117	wheat cereals-----	22125
Adler's Bakery. <i>See</i> Adler, Arthur.		Barre Seafood Co.:	
		canned shrimp-----	22158

¹ (22102) Prosecution contested.² (22173) Injunction issued.

	N. J. No.		N. J. No.
Becker, Julius:		DeStafeno, G. Z., and S. H.:	
fresh blueberries-----	22170	curd cheese-----	22132
Becker-Mayer Seed Co., Inc.:		Dixie Home Stores:	
sesame seed-----	22200	frozen eggs-----	22137
Bisnett, Wesley:		Dumetz, T. A.:	
blueberries, fresh-----	22170	fresh blueberries-----	22170
frozen-----	22172	Eastern Candy Co.:	
Booth's, Viv & Mac:		maraschino cherries-----	22171
frozen blueberries-----	22172	Echo Lake Farm Produce Co.:	
Botsford, H. F.:		frozen eggs-----	22143
yellow mustard seed and pre-		Eckert Orchards Associates, Inc.:	
pared yellow mustard-----	22197	apple cider-----	22175
Botsford, H. F., & Co.:		Eelbeck Milling Co., Inc.:	
yellow mustard seed and pre-		enriched hominy grits-----	22126
pared yellow mustard-----	22197	Ellis, L. C.:	
Bowes, H. J.:		butter-----	22128
fruit pulp and fruit juices---	² 22173	Enoch Packing Co., Inc.:	
Brown, H. L., & Son, Inc.:		raisins-----	22168, 22169
frozen dressed poultry-----	22191	Evans, W. G.:	
Buck, H. D.:		fresh crabmeat-----	22155
enriched hominy grits-----	22126	Excel Popcorn Co. <i>See</i> Rice,	
Burnham & Morrill Co.:		W. C.	
frozen flounder fillets-----	22150	Farm Fresh Packing Corp.:	
C & E Canners, Inc.:		canned tomatoes-----	22182
tomato catsup-----	22185	Farmers Market:	
Carlisle Poultry & Egg Associa-		frozen eggs-----	22136, 22141
tion, Inc.:		Farmers Union Grain Terminal	
frozen eggs-----	22138	Association:	
Central California Packing Co.:		bulk wheat-----	22124
raisins-----	22165	Flora, J. A., Jr.:	
Central Valley Raisin Co.:		cream cheese, muenster cheese,	
raisins-----	22164	and neufchatel cheese-----	22133
Christensen, O. W.:		Forman, L. C., & Sons:	
butter-----	22127	canned sauerkraut-----	22177
Clinton Chocolate Co.:		Franz, A. R., and H. J.:	
cocoa-----	22110-22115	frozen blueberries-----	22172
Continent Frozen Foods Corp.:		Fulham Bros., Inc.:	
frozen eggs-----	22134	frozen cod fillets-----	22146
Covell, L. A., Co., Inc.:		Galva Creamery Co.:	
red pepper hulls in brine----	22199	butter-----	22131
Cupp, H. K. & Sons:		General Foods Corp.:	
frozen blueberries-----	22172	shelled cashew nuts-----	22188
Curtis, Wayne:		Geral-Deene Dairy Products. <i>See</i>	
frozen blueberries-----	22172	DeStafeno, G. Z.	
Danalaxmi Vilas Cashew Co.:		Gomperts, Jack, & Co., Inc.:	
shelled cashew nuts-----	22189	raisins-----	22164
Delfino, Sphila A., & Co.:		Gray, P. G.:	
cocoa dust-----	22116	frozen eggs-----	22139

² (22173) Injunction issued.

	N. J. No.		N. J. No.
Griffins Associated Fisheries:		Northwest Popcorn & Seed Co.:	
fish roe-----	22153	unpopped popcorn-----	22122
Harding Cream Co.:		Oriole Packing Co., Inc.:	
butter-----	22129	canned tomatoes-----	22178
Higgins, Wm. A., & Co., Inc.:		Pan American Food Co., Inc.:	
unshelled brazil nuts-----	22187	shelled cashew nuts-----	22189
Icelandic Freezing Plants Corp.:		Paola Butter Co. <i>See</i> Ellis, L. C.	
frozen cod fillets-----	22147-22149	Pappas, Clement, & Co.:	
Icelandic State Fish Packing		canned blueberries-----	22162
Centre:		Paramount Poultry Sales Co.:	
frozen cod fillets-----	22146	dressed poultry-----	22192, 22195
Independent Food Products Co.,		Phillips Packing Co., Inc.:	
Inc.:		canned tomatoes-----	22183
frozen eggs-----	22134	Pilley, Frank, & Sons, Inc.:	
Jeisel, John, Jr.:		butter-----	22127
unpopped popcorn-----	22122	Pocahontas Poultry Co.:	
Joe's Bakery. <i>See</i> Sayed, J. N.		dressed turkeys-----	22196
Kaakinen, E. A.:		Port Orford Fish Co.:	
fresh crabmeat-----	22154	fresh crabmeat-----	22154
Kaakinen Fish Co. <i>See</i> Kaaki-		Producers Marine Service, Inc.:	
nen, E. A.		frozen shrimp-----	22161
Karp, L., & Sons, Inc.:		Rahal, F. L.:	
diced glace fruits-----	22174	fruit pulp and fruit juices--- ²	22173
Lion Packing Co.:		Reuther's Seafood Co., Inc.:	
raisins-----	22166	canned shrimp-----	22159, 22160
Louvain Coffee Co., Inc.:		Rice, W. C.:	
coffee-----	22102	unpopped popcorn-----	22123
McDonnell, E. L., & Co.:		Rodda, R. E., Candy Co.:	
mustard seed-----	22198	candy-----	22105
Main Street Bakery Corp.:		Rogers, B. C., & Sons, Inc.:	
cakes-----	22119	dressed poultry-----	22193
Manley, Inc.:		Rosenbaum, M. M.:	
unpopped popcorn-----	22122	frozen eggs-----	22134
Melrose Canning Co.:		Rosewell, Amos:	
tomato juice-----	22186	fresh blueberries-----	22170
Miles Friedman, Inc.:		SS. Blue Grass State:	
frozen eggs-----	22136	coffee-----	22101
Milford Canning Co.:		SS. Hoosier State:	
canned corn-----	22176	coffee-----	22101
Moore, Willie:		St. John, Berlin:	
fresh blueberries-----	22170	blueberries, fresh-----	22170
Morgan, W. F., & Son:		frozen-----	22172
oysters-----	22157	Salomon, M. W., & Sons:	
Nichols & Co.:		coffee-----	22101
frozen egg product-----	22144	Sarkisian, S. G.:	
Norris, S. N.:		wheat cereals-----	22125
oysters-----	22156	Sayed, J. N.:	
North Penn Candy Co.:		bread and rolls-----	22118
candy-----	22109		

² (22173) Injunction issued.

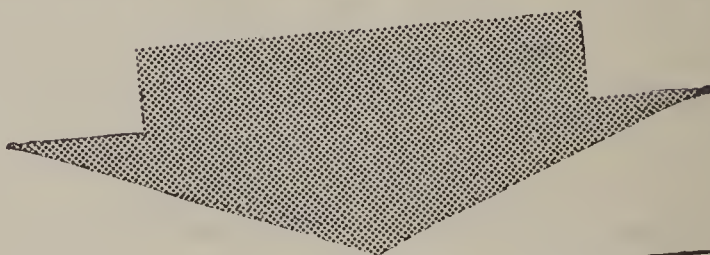
	N. J. No.		N. J. No.
Schoen, O. L.:		Torsch Canning Co.:	
frozen eggs-----	22134	canned tomatoes and canned	
Schwartz, J., & Sons:		peas-----	22184
candy-----	22107	Tusan Packing Co.:	
Seaside Poultry Co.:		raisins-----	22167
dressed poultry-----	22194	Victorian Candy Co.:	
Seene, P. H.:		candy-----	22106, 22107
fruit pulp and fruit juices-- ²	22173	Washburn, F. B., Candy Corp.:	
Shamansky, Aaron, and Louis:		candy-----	22108
frozen eggs-----	22135	Weber Flour Mills Co.:	
Sisk, A. W., & Son:		flour-----	22121
canned tomatoes-----	22180	Weingast, Herbert:	
Smith, Garland:		coffee----- ¹	22102
fresh blueberries-----	22170	Weissich, Theo., Fish Co., Inc.:	
Snyder, R. D., and D. B.:		frozen fish sticks-----	22145
canned tomatoes-----	22181	Westwood Canning Co.:	
Sonnyboy Farms Co.:		canned tomatoes-----	22179
neufchatel cheese-----	22133	Williams, C. G.:	
South Pacific Canning Co.:		candy-----	22105
canned tuna-----	22151, 22152	Woodward & Dickerson, Inc.:	
Sumner Packing Co.:		cocoa dust-----	22116
frozen eggs-----	22142	Wooten, Valda:	
Sunshine Packing Corp.:		unshelled pecans-----	22190
fruit pulp and fruit juices-- ²	22173	Zausner, Meyer, Inc.:	
Temple Frosted Foods, Inc.:		cream cheese, muenster cheese,	
frozen Chinese egg roll-----	22120	and neufchatel cheese-----	22133
Tenco, Inc.:			
soluble coffee-----	22103		

¹ (22102) Prosecution contested.² (22173) Injunction issued.

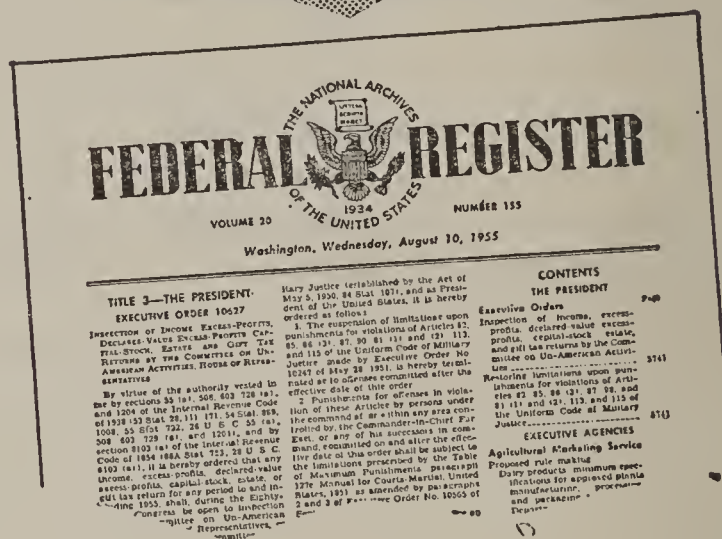
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U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22201-22300

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FOODS ★

APR 3 1956 ★

U. S. DEPARTMENT OF AGRICULTURE

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which default or consent decrees of condemnation were entered, (2) criminal proceedings which were terminated with pleas of guilty or nolo contendere, and (3) injunction proceedings which were dismissed following correction of the violative practices complained of. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Similar actions with respect to products alleged to be in violation at the time of shipment are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *March 16, 1956.*

CONTENTS

	Page		Page
Candy and chocolate products.....	60	Fruits and vegetables—Continued	
Candy.....	60	Dried fruit.....	74
Chocolate products.....	60	Miscellaneous fruit products.....	75
Cereals and cereal products.....	61	Vegetables.....	75
Cornmeal.....	61	Nuts and nut products.....	76
Flour.....	62	Spices, flavors, and seasoning ma-	
Miscellaneous cereals and cereal		terials.....	77
products.....	68	Vitamin, mineral, and other prod-	
Fish and shellfish.....	71	ucts of special dietary signifi-	
Fruits and vegetables.....	73	cance.....	79
Canned fruit.....	73	Index.....	83

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22201-22300

Adulteration, Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; and, Section 402 (b) (1), a valuable constituent had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (f), certain information required by the Act to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; and, Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin properties as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CANDY AND CHOCOLATE PRODUCTS

CANDY*

22201. Candy. (F. D. C. No. 37549. S. No. 2-574 M.)

QUANTITY: 22 15-oz. boxes at Washington, D. C.

SHIPPED: 11-6-53, from New York, N. Y.

LIBELED: 12-21-54, Dist. Col.; libel amended 2-9-55.

CHARGE: 402 (a) (3)—contained insects and insect parts while held for sale.

DISPOSITION: 2-14-55. Default—destruction.

22202. Candy Easter eggs. (F. D. C. No. 37749. S. No. 8-374 M.)

QUANTITY: 29 boxes, 120 pieces each, at Woodward, Okla.

SHIPPED: 1-28-54, from Reading, Pa.

LIBELED: 1-19-55, W. Dist. Okla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-23-55. Default—consumption by animals.

CHOCOLATE PRODUCTS**

22203. Chocolate-flavored sirup. (F. D. C. No. 37514. S. No. 1-225 M.)

QUANTITY: 77 cases, each containing 12 2½-lb. jars, at Miami, Fla.

SHIPPED: 1-25-47, from Cincinnati, Ohio.

LIBELED: 12-3-54, S. Dist. Fla.

*See also No. 22282.

**See also No. 22270.

CHARGE: 402 (a) (3)—unfit for food by reason of its sour and disagreeable flavor while held for sale.

DISPOSITION: 1-19-55. Default—destruction.

22204. Cocoa, coffee sweepings, and lentils. (F. D. C. No. 30323. S. Nos. 73-866 K, 74-303/4 K, 74-306 K.)

QUANTITY: 412 130-lb. bags (2 lots, 400 bags and 12 bags) of coffee sweepings, 4 150-lb. bags of cocoa, and 4 bags, 118½-lbs. each, of lentils at Brooklyn, N. Y., in possession of Prentice Stores, New York Dock Co.

SHIPPED: From foreign countries on various dates.

LIBELED: 12-7-50, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained wood splinters, dirt, rodent excreta, insects, and other extraneous material; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: J. Aron & Co., Inc., Leon Israel & Bros., Inc. A. L. Ransodoff Co., Inc., H. L. C. Bendiks, Inc., Schaefer Klaussmann Co., Inc., Hard & Rand, Inc., C. A. Mackey & Co., Inc, East Asiatic Co., Inc., A. C. Israel Commodity Co., Inc., and S. A. Schonbrunn & Co., claimants, filed an answer denying that the articles were adulterated as alleged. Interrogatories served upon the claimants by the Government were not answered. The claimants subsequently withdrew their answer and consented to the entry of a decree. On 2-25-54, a decree was entered condemning the articles and ordering the release of the 400-bag lot to the claimant for the purpose of bringing the article into compliance with the provisions of the Act within a period of 6 months, and ordering the destruction of the 4-bag lot of lentils, the 4-bag lot of cocoa, and the 12-bag lot of coffee sweepings.

The claimants failed to comply with the provisions of the decree in the allotted time, and a motion made on behalf of the Government, requesting the destruction of the 400-bag lot of coffee sweepings, and a cross-motion made on behalf of the claimants, requesting an extension of time in which to comply, were heard by the court on 3-16-55. On 4-15-55, the court entered a decree denying the claimants' motion and directing that the claimants return all lots for destruction at claimants' expense. The articles were destroyed.

CEREALS AND CEREAL PRODUCTS

CORNMEAL*

22205. Cornmeal. (F. D. C. No. 37815. S. No. 2-214 M.)

QUANTITY: 53 25-lb. bags at Charleston, W. Va., in possession of Capitol Feed Co.

SHIPPED: 12-30-54, from Salina, Kans.

LIBELED: On or about 3-17-55, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-7-55. Default—consumption by animals.

22206. Cornmeal. (F. D. C. No. 37411. S. No. 85-518 L.)

QUANTITY: 26 25-lb. bags at Sweetwater, Tex., in possession of J. H. Tubbs Wholesale Grocery.

*See also Nos. 22210, 22277.

SHIPPED: 9-20-54, from St. Joseph, Mo.

LIBELED: 11-23-54, N. Dist. Tex.

CHARGE: 402 (a) (3)—contained rodent filth; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-4-55. Default—consumption by animals.

22207. Cornmeal, hominy grits, iodized salt, pancake mix, and rice. (F. D. C. No. 36658. S. Nos. 15-915/6 L, 15-918 L, 44-022/3 L.)

INFORMATION FILED: 12-6-54, E. Dist. Okla., against S. D. Giacomo Co., a partnership, Krebs, Okla., and Vito Barzellone, partner and manager.

ALLEGED VIOLATION: Between 9-5-51 and 3-16-54, while quantities of the above-named foods were being held for sale after shipment in interstate commerce, the defendants caused the products to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the products being adulterated.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta pellets; and, 402 (a) (4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 5-25-55. Each defendant fined \$250.

22208. Cornmeal and pasole. (F. D. C. No. 37931. S. Nos. 7-132 M, 7-135 M.)

QUANTITY: 3 100-lb. bags and 6 1-lb. bags of cornmeal, 1 100-lb. bag of untreated corn (pasole), 2 100-lb. bags of treated corn (pasole), and 6 2-lb. bags and 4 1-lb. bags of pasole at Denver, Colo., in possession of Wholesale Grocery.

SHIPPED: 11-8-52 and during 1953, from Dixon, N. Mex.

LIBELED: 4-13-55, Dist. Colo.

CHARGE: 402 (a) (3)—both articles contained insects, and the cornmeal contained also rodent excreta and rodent urine; and, 402 (a) (4)—both articles had been held under insanitary conditions.

DISPOSITION: 6-1-55. Default—consumption by animals.

22209. Yellow cornmeal and dried lima beans. (F. D. C. No. 37779. S. Nos. 8-378 M, 8-380 M.)

QUANTITY: 15 cases, 10 5-lb. bags each, of yellow cornmeal, and 20 cases, 12 2-lb. bags each, of dried lima beans at Sayre, Okla.

SHIPPED: Between 12-2-52 and 7-22-54, from St. Joseph, Mo., and Sterling, Colo.

LIBELED: 2-2-55, W. Dist. Okla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 3-10-55. Default—consumption by animals.

FLOUR*

22210. Various products such as flour, salt, sugar, and cornmeal. (Inj. No. 287.)

COMPLAINT FOR INJUNCTION FILED: 4-6-55, Dist. Mass., against Thurman Co., a corporation, Boston, Mass., and Harry Epstein, president.

CHARGE: The complaint alleged that the defendants were engaged in the business of storing and selling various food products, such as flour, salt, sugar, and

*See also Nos. 22277, 22282.

cornmeal; that the defendants had been and were, at the time of the filing of the complaint, receiving such articles which had been shipped in interstate commerce; and that the defendants had been and were placing and causing to be placed in a building infested with rodents, birds, and insects, and had been and were exposing and causing to be exposed to contamination by rodents, birds, and insects, such articles of food while they were held for sale after shipment in interstate commerce.

The complaint further alleged that the acts of placing and causing the foods to be placed in such building and of exposing and causing the foods to be exposed to such contamination resulted in the foods being adulterated within the meaning of 402 (a) (3), in that the foods consisted in part of rodent, bird, and insect filth; and, within the meaning of 402 (a) (4), in that the foods were held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged also that the defendants were well aware that their activities were in violation of the law; that various inspections of the defendants' warehouse were made by the Food and Drug Administration, during which the insanitary conditions were brought to the attention of the defendants; that a Notice of Hearing pursuant to section 305 had been issued to the defendants in 1949; and that, despite such warnings, the defendants continued to place and cause the foods to be placed in such building, and to expose and cause the foods to be exposed to contamination.

DISPOSITION: On 4-18-55, a stipulation was entered in this action which provided that, in the event the defendants failed to vacate the premises then occupied within a specified period, a consent decree would be entered, perpetually enjoining and restraining the defendants from doing the acts complained of. The defendants having complied with the terms of the aforementioned stipulation, a second stipulation was filed on 7-14-55, providing for the dismissal of the action, the costs of which were to be paid by the defendants.

22211. Flour and rice. (F. D. C. No. 35613. S. Nos. 86-330/1 L.)

INFORMATION FILED: 3-15-55, N. Dist. Ohio, against Mahoning Valley Flour Co., a corporation, Youngstown, Ohio, and Sylvester E. Santangelo, president.

ALLEGED VIOLATION: Between 10-22-53 and 6-17-54, while a quantity of flour and rice was being held for sale after shipment in interstate commerce, the defendants caused the articles to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-25-55. Corporation fined \$400 and individual \$200.

22212. Flour. (F. D. C. No. 35598. S. No. 83-746 L.)

INFORMATION FILED: 2-10-55, Dist. Minn., against Edward Buchanan, t/a Buchanan Laboratories, Duluth, Minn.

ALLEGED VIOLATION: Between 3-15-54 and 4-20-54, while a quantity of flour was being held for sale after shipment in interstate commerce, the defendant caused a quantity of a liquid containing a poisonous rodenticide known as 1080 (sodium monofluoracetate) to be placed in close proximity to the flour under

conditions whereby it may have become contaminated with poison, which act resulted in the flour being adulterated.

CHARGE: 402 (a) (4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 5-23-55. Defendant fined \$500 and placed on probation for 3 years.

22213. Flour. (F. D. C. No. 37785. S. Nos. 7-322/3 M.)

QUANTITY: 32 25-lb. bags and 13 50-lb. bags at Durango, Colo., in possession of Durango Mercantile Co.

SHIPPED: Between 5-18-54 and 9-24-54, from Monticello, Utah, and Dallas, Tex.

LIBELED: 2-10-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-1-55. Default—destruction.

22214. Flour. (F. D. C. No. 37656. S. No. 11-940 M.)

QUANTITY: 29 100-lb. bags at Bronx, N. Y., in possession of Silver Flour Warehouse & Trucking Corp.

SHIPPED: 11-5-54, from St. Paul, Minn.

LIBELED: 2-15-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-15-55. Default—consumption by animals.

22215. Flour. (F. D. C. No. 37646. S. Nos. 9-858/60 M.)

QUANTITY: 220 50-lb. bags at Mason City, Iowa, in possession of Western Grocer.

SHIPPED: Between 11-12-54 and 12-31-54, from Minneapolis, Minn., and Fremont, Nebr.

LIBELED: 2-9-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-2-55. Consent—claimed by Western Grocer. 39 50-lb. bags segregated as unfit and converted to animal feed.

22216. Flour. (F. D. C. No. 37910. S. No. 7-381/2 M.)

QUANTITY: 75 50-lb. bags and 25 100-lb. bags at Albuquerque, N. Mex., in possession of Vaio Distributing Co.

SHIPPED: 1-26-55 and 2-19-55, from Fort Morgan, Colo.

LIBELED: 3-30-55, Dist. N. Mex.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-4-55. Consent—claimed by Vaio Distributing Co. Segregated, 48 50-lb. bags and 3 100-lb. bags converted into hog feed.

22217. Flour. (F. D. C. No. 37896. S. No. 18-117 M.)

QUANTITY: 29 100-lb. bags at Jackson Heights, N. Y., in possession of Gruen Bake Shop.

SHIPPED: 12-28-54, from Minneapolis, Minn.

LIBELED: 3-22-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-9-55. Default—destruction.

22218. Flour. (F. D. C. No. 37822. S. No. 11-008 M.)

QUANTITY: 347 25-lb. bags at Columbus, Miss.

SHIPPED: Between 2-3-55 and 2-14-55, from Decatur, Ala.

LIBELED: 3-23-55, N. Dist. Miss.

CHARGE: 402 (a) (3)—contaminated by rodents while held for sale.

DISPOSITION: 6-9-55. Default—destruction.

22219. Flour. (F. D. C. No. 37818. S. No. 9-879 M.)

QUANTITY: 50 50-lb. bags at Waterloo, Iowa, in possession of Nash-Finch Co.

SHIPPED: 12-7-54, from Omaha, Nebr.

LIBELED: 3-15-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-15-55. Default—consumption by animals.

22220. Flour. (F. D. C. No. 37798. S. No. 2-196 M.)

QUANTITY: 100 100-lb. bags at Charleston, W. Va., in possession of Hubbard Grocery Co.

SHIPPED: 1-14-55, from Atchison, Kans.

LIBELED: 2-21-55, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-4-55. Consent—claimed by Hubbard Grocery Co. Segregated 969 lbs. denatured for use as animal feed.

22221. Flour. (F. D. C. No. 37560. S. Nos. 9-813/7 M.)

QUANTITY: 446 50-lb. bags and 32 25-lb. bags at Sioux City, Iowa, in possession of Pierce-Holdcroft Warehouse.

SHIPPED: Between 10-27-54 and 11-24-54, from Minneapolis and Wabasha, Minn., and Lincoln, Nebr.

LIBELED: 12-27-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-28-55. Consent—claimed by Kaplan Wholesale Grocer Co., Sioux City, Iowa. 8,275 lbs. segregated as unfit and denatured.

22222. Flour. (F. D. C. No. 37775. S. No. 9-916 M.)

QUANTITY: 150 50-lb. bags at Fargo, N. Dak., in possession of Union Storage & Transfer Co.

SHIPPED: 9-21-54, from Bozeman, Mont.

LIBELED: 1-28-55, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-7-55. Consent—claimed by Union Storage & Transfer Co. Segregated, 64 bags denatured for use as animal feed.

22223. Flour. (F. D. C. No. 37758. S. Nos. 10-134/5 M.)

QUANTITY: 56 50-lb. bags and 37 25-lb. bags at Sioux Falls, S. Dak., in possession of Sunshine Food Markets, Inc.

SHIPPED: 10-29-54 and 11-1-54, from Great Falls, Mont., and Minneapolis, Minn.

LIBELED: 1-21-55, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-28-55. Consent—claimed by Sunshine Food Markets, Inc. Segregated, 1,500 lbs. destroyed.

22224. Flour. (F. D. C. No. 37726. S. Nos. 9-840/1 M.)

QUANTITY: 355 100-lb. bags at Sioux City, Iowa, in possession of Russell-Miller Milling Co.

SHIPPED: Between 10-24-54 and 11-22-54, from Grand Forks, N. Dak.

LIBELED: 12-30-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-3-55. Consent—claimed by Russell-Miller Milling Co. Segregated, 24,200 lbs. denatured for use as animal feed.

22225. Flour. (F. D. C. No. 37708. S. No. 16-901 M.)

QUANTITY: 14 50-lb. bags at Weldon, N. C., in possession of Merchants Distributing Co., Inc.

SHIPPED: 1-5-55, from Richmond, Va.

LIBELED: 3-21-55, E. Dist. N. C.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-28-55. Default—consumption by animals.

22226. Flour. (F. D. C. No. 37739. S. Nos. 4-227/8 M.)

QUANTITY: 16 100-lb. bags and 50 25-lb. bags at Plattsburgh, N. Y., in possession of Plattsburgh Feed & Grocery Co.

SHIPPED: 4-6-54, from Hays, Kans.

LIBELED: 1-11-55, N. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-23-55. Default—destruction.

22227. Flour. (F. D. C. No. 37750. S. No. 10-434 M.)

QUANTITY: 100 50-lb. bags at Decorah, Iowa.

SHIPPED: 11-20-54, from Minneapolis, Minn.

LIBELED: 1-19-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: 2-3-55. Consent—claimed by S. E. Brickner & Son, Decorah, Iowa. Segregated, 92 bags denatured.

22228. Flour. (F. D. C. No. 37782. S. No. 9-856 M.)

QUANTITY: 192 50-lb. bags at Mason City, Iowa.

SHIPPED: 1-7-55, from Minneapolis, Minn.

LIBELED: 2-7-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: 3-2-55. Consent—claimed by Western Grocer, Mason City, Iowa. Segregated, 34 bags denatured for use as animal feed.

22229. Flour. (F. D. C. No. 37711. S. No. 17-503 M.)

QUANTITY: 900 25-lb. bags at Washington, N. C., in possession of Thomas & Howard Co., Inc.

SHIPPED: 11-12-54, from Louisville, Ky.

LIBELED: 3-18-55, E. Dist. N. C.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-4-55. Consent—claimed by Thomas & Howard Co., Inc. 595 25-lb. bags segregated as unfit and converted to animal feed.

22230. Flour. (F. D. C. No. 37727. S. No. 9-842 M.)

QUANTITY: 104 50-lb. bags at Council Bluffs, Iowa.

SHIPPED: 9-25-54 and 10-7-54, from Lincoln, Nebr.

LIBELED: 12-31-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: 2-16-55. Consent—claimed by Gooch Feed Mill Co., Council Bluffs, Iowa, and denatured.

22231. Flour. (F. D. C. No. 37816. S. No. 6-979 M.)

QUANTITY: 39 100-lb. bags at Cheyenne, Wyo., in possession of Asher-Wyoming Co.

SHIPPED: 2-24-55, from Greeley, Colo.

LIBELED: 3-14-55, Dist. Wyo.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-3-55. Default—destruction.

22232. Flour. (F. D. C. No. 37823. S. No. 9-999 M.)

QUANTITY: 63 50-lb. bags at Watertown, S. Dak.

SHIPPED: 12-14-54, from Great Falls, Mont.

LIBELED: 3-22-55, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: 5-3-55. Consent—claimed by General Supply Co., Watertown, S. Dak. Converted to animal feed.

22233. Flour. (F. D. C. No. 37661. S. No. 18-106 M.)

QUANTITY: 36 100-lb. bags at Bronx, N. Y., in possession of G. Scaccianoce & Co.

SHIPPED: 12-30-54, from Washington, D. C.

LIBELED: 2-28-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-22-55. Default—consumption by animals.

22234. Flour and bran. (F. D. C. No. 37597. S. Nos. 9-843/7 M.)

QUANTITY: 343 50-lb. bags and 11 100-lb. bags of flour and 9 50-lb. bags of bran at Council Bluffs, Iowa, in possession of Gooch Feed Mill Co.

SHIPPED: Between 10-12-54 and 11-27-54, from Lincoln, Nebr.

LIBELED: 1-12-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-16-55. Consent—claimed by Gooch Feed Mill Co. 322 50-lb. bags and 11 100-lb. bags of flour and 9 50-lb. bags of bran segregated as unfit and converted to animal feed.

22235. Flour and rice. (F. D. C. No. 37732. S. Nos. 9-826 M, 9-828 M.)

QUANTITY: 58 50-lb. bags of flour and 10 bales, 10 10-lb. bags each, of rice at Davenport, Iowa, in possession of Western Grocer Co.

SHIPPED: Between 10-27-53 and 9-23-54, from Omaha and Fremont, Nebr., and Stuttgart, Ark.

LIBELED: 12-31-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—flour contained rodent urine and rice contained insects; and, 402 (a) (4)—both products held under insanitary conditions.

DISPOSITION: 2-12-55. Default—consumption by animals.

22236. Buckwheat flour. (F. D. C. No. 37725. S. No. 9-833 M.)

QUANTITY: 60 100-lb. bags at Solon, Iowa, in possession of Brumwell Milling Co.

SHIPPED: During September 1954, from Lake Delton, Wis.

LIBELED: 12-31-54, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-14-55. Consent—claimed by Brumwell Milling Co. and de-natured for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS***22237. Caramel malt and standard malt.** (F. D. C. No. 37832. S. Nos. 45-692/3 L, 80-977/8 L.)

INFORMATION FILED: 4-13-55, Dist. Conn., against Cremo Brewing Co., Inc., New Britain, Conn., and Rudolph J. Peters, treasurer and general manager.

*See also Nos. 22207, 22208, 22211, 22234, 22235.

ALLEGED VIOLATION: Between 6-9-54 and 9-23-54, while quantities of caramel malt (count 1) and standard malt (count 2) were being held for sale, the defendants caused the products to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the products being adulterated.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

PLEA: Corporation—guilty to both counts; individual—guilty to count 2, but count 1 not pressed as to individual.

DISPOSITION: 4-25-55. Corporation fined \$200, plus costs; individual, \$100, plus costs.

22238. Malt. (F. D. C. No. 37686. S. No. 8-503 M.)

QUANTITY: 10 80-lb. bags at Tulsa, Okla., in possession of Griffin Grocery Co.

SHIPPED: Prior to 1-1-55, from Milwaukee, Wis.

LIBELED: 3-2-55, N. Dist. Okla.

CHARGE: 402 (a) (3)—contained rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-22-55. Default—destruction.

22239. Unpopped popcorn and pancake and waffle mix. (F. D. C. No. 37826. S. Nos. 90-502 L, 8-341 M.)

INFORMATION FILED: 3-30-55, Dist. Kans., against Mid-Quin Wholesale Grocery & Produce Co., a corporation, Junction City, Kans., and Lawrence A. Leonard, president.

ALLEGED VIOLATION: Between 8-28-54 and 11-23-54, while quantities of the above-named foods were being held for sale after shipment in interstate commerce, the defendants caused the products to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the products being adulterated.

CHARGE: 402 (a) (3)—contained rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-26-55. \$50 fine, plus costs, against defendants jointly.

22240. Unpopped popcorn. (F. D. C. No. 37814. S. No. 4-408 M.)

QUANTITY: 125 100-lb. bags at Buffalo, N. Y.

SHIPPED: 2-12-55, from Columbus, Ohio.

LIBELED: 3-14-55, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent excreta and insects while held for sale.

DISPOSITION: 5-2-55. Default—consumption by animals.

22241. Unpopped popcorn. (F. D. C. No. 37688. S. No. 18-203 M.)

QUANTITY: 19 100-lb. bags at Bronx, N. Y., in possession of Grossmac Trucking & Warehousing Corp.

SHIPPED: 10-30-54, from Princeton, Ind.

LIBELED: 3-7-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent-gnawed kernels; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-5-55. Default—destruction.

22242. Rice. (F. D. C. No. 37819. S. No. 10-145 M.)

QUANTITY: 51 100-lb. bags at St. Paul, Minn., in possession of Security Wholesale Grocery Co.

SHIPPED: 9-15-54, from Lake Charles, La.

LIBELED: 3-16-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-9-55. Consent—claimed by Security Wholesale Grocery Co. Segregated, 600 lbs. destroyed.

22243. Rice. (F. D. C. No. 36562. S. Nos. 60-172/4 L.)

QUANTITY: 163 25-lb. bags at Columbia, S. C., in possession of Thomas & Howard Co.

SHIPPED: Between 8-11-53 and 3-15-54, from Crowley and Rayne, La.

LIBELED: 5-11-54, E. Dist. S. C.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 8-4-54. Consent—claimed by Thomas & Howard Co. and denatured for use as animal feed.

22244. Rice. (F. D. C. No. 37793. S. No. 10-390 M.)

QUANTITY: 23 100-lb. bags at Minneapolis, Minn.

SHIPPED: 10-4-54, from Lake Charles, La.

LIBELED: 2-18-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine, miscellaneous dirt, and moldy rice while held for sale.

DISPOSITION: 4-18-55. Default—consumption by animals.

22245. Rice. (F. D. C. No. 37678. S. Nos. 7-040/2 M.)

QUANTITY: 17 100-lb. bags and 24 25-lb. bags at Colorado Springs, Colo., in possession of Puffer Mercantile Co.

SHIPPED: Prior to 2-18-55, from Stuttgart, Ark.

LIBELED: 2-25-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-13-55. Default—consumption by animals.

22246. Rice. (F. D. C. No. 37789. S. No. 9-861 M.)

QUANTITY: 13 100-lb. bags at Clinton, Iowa, in possession of Giunta Bros.

SHIPPED: 4-23-53, from Houston, Tex.

LIBELED: 2-11-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-21-55. Default—consumption by animals.

22247. Rice. (F. D. C. No. 37729. S. No. 8-418 M.)

QUANTITY: 9 100-lb. bags at Tulsa, Okla., in possession of Collins-Dietz-Morris Co.

SHIPPED: 10-8-54, from Stuttgart, Ark.

LIBELED: 12-31-54, N. Dist. Okla.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-11-55. Default—destruction.

22248. Rice. (F. D. C. No. 37804. S. Nos. 7-046/7 M.)

QUANTITY: 33 25-lb. bags at Denver, Colo., in possession of Westman Commission Co.

SHIPPED: 9-18-54 and 10-5-54, from Stuttgart, Ark., and Houston, Tex.

LIBELED: 3-8-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-2-55. Default—consumption by animals.

22249. Rice. (F. D. C. No. 37769. S. No. 7-241 M.)

QUANTITY: 5 100-lb. bags at Ogden, Utah, in possession of Utah Wholesale Grocery Co.

SHIPPED: 8-31-54, from De Witt, Ark.

LIBELED: 2-2-55, Dist. Utah.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-18-55. Default—destruction.

22250. Rice. (F. D. C. No. 37788. S. No. 10-389 M.)

QUANTITY: 5 100-lb. bags at Minneapolis, Minn.

SHIPPED: 10-4-54, from Lake Charles, La.

LIBELED: 2-12-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained moldy rice while held for sale.

DISPOSITION: 3-28-55. Default—consumption by animals.

22251. Rice and black-eyed beans. (F. D. C. No. 37919. S. Nos. 16-907 M, 16-909 M, 17-561 M.)

QUANTITY: 158 100-lb. bags of rice and 272 100-lb. bags of black-eyed beans at Richmond, Va., in possession of William R. Hill & Co.

SHIPPED: Between 11-9-54 and 1-4-55, from Crowley, La., and Stockton, Calif.

LIBELED: 4-5-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained rodent excreta, rodent hairs, rodent urine, and rodent-gnawed beans; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-29-55. Consent—claimed by William R. Hill & Co. Segregated, 425 lbs. of rice and 200 lbs. of beans denatured for use as animal feed.

FISH AND SHELLFISH

22252. Frozen chub (fish). (F. D. C. No. 37497. S. No. 12-441 M.)

QUANTITY: 1,075 lbs. at Brooklyn, N. Y.

SHIPPED: 7-17-54, from Washington Island, Wis.

LIBELED: 12-7-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 1-4-55. Default—destruction.

22253. Frozen cod fillets. (F. D. C. No. 37932. S. No. 18-340 M.)

QUANTITY: 1,934 56-lb. cartons at Jersey City, N. J.

SHIPPED: 11-15-54, from Reykjavik, Iceland.

LIBELED: 4-12-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 5-19-55. Consent—claimed by Coldwater Seafood Corp., New York, N. Y. Segregated, 350 cartons converted into fish meal.

22254. Frozen fluke (fish). (F. D. C. No. 37706. S. No. 12-397 M.)

QUANTITY: 56 25-lb. cases at Monmouth Beach, N. J.

SHIPPED: 7-2-54, from Philadelphia, Pa.

LIBELED: 3-11-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 5-3-55. Default—destruction.

22255. Canned sardines. (F. D. C. No. 37671. S. No. 12-668 M.)

QUANTITY: 10 cases, 100 7-oz. cans each, at New York, N. Y.

SHIPPED: 8-21-53, from Portugal.

LIBELED: 2-23-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 3-17-55. Default—destruction.

22256. Canned shad. (F. D. C. No. 37893. S. No. 13-516 M.)

QUANTITY: 39 cases, 24 14-oz. cans each, at Mahanoy City, Pa.

SHIPPED: Sometime during 1951, from South Gouldsboro, Maine.

LIBELED: 3-16-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 5-4-55. Default—destruction.

22257. Frozen red snappers. (F. D. C. No. 37703. S. No. 18-322 M.)

QUANTITY: 2,388 lbs. in 24 boxes at Monmouth Beach, N. J.

SHIPPED: 12-23-54, from New York, N. Y.

LIBELED: 3-11-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 5-3-55. Default—destruction.

22258. Frozen red snappers. (F. D. C. No. 37705. S. No. 18-324 M.)

QUANTITY: 396 lbs. in 4 boxes at Monmouth Beach, N. J.

SHIPPED: 11-11-54, from New York, N. Y.

LIBELED: 3-11-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 5-3-55. Default—destruction.

22259. Frozen gray sole (fish). (F. D. C. No. 37704. S. No. 12-400 M.)

QUANTITY: 2,651 lbs. in 24 cases at Monmouth Beach, N. J.

SHIPPED: 11-12-54, from New York, N. Y.

LIBELED: 3-11-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 5-3-55. Default—destruction.

22260. Dried oysters. (F. D. C. No. 37930. S. No. 11-890 M.)

QUANTITY: 1 70-lb. carton and 7 cases, 133 lbs. each, at New York, N. Y.

SHIPPED: 11-29-54, from Japan.

LIBELED: 4-18-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs while held for sale.

DISPOSITION: 5-11-55. Default—destruction.

22261. Frozen shrimp. (F. D. C. No. 37897. S. Nos. 18-323 M, 18-327 M.)

QUANTITY: 27 cartons, 10-pkgs. each, 2 cartons, 2-pkgs. each, and 1 carton containing 4 pkgs. at Monmouth Beach, N. J.

SHIPPED: 10-13-54, from New York, N. Y.

LABEL IN PART: (Pkg.) "Five pounds net weight Frozen Fresh Shrimp."

LIBELED: 3-21-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed shrimp while held for sale.

DISPOSITION: 5-3-55. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

22262. Canned blueberries. (F. D. C. No. 37755. S. No. 13-251 M.)

QUANTITY: 12 cases, 6 6-lb., 6-oz. cans each, at Harrisburg, Pa.

SHIPPED: 7-22-54, from Cedarville, N. J.

LIBELED: 1-20-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained maggots while held for sale.

DISPOSITION: 3-14-55. Default—destruction.

22263. Canned boysenberries. (F. D. C. No. 37781. S. Nos. 9-981/2 M.)

QUANTITY: 88 cases, 24 1-lb. cans each, at Sioux Falls, S. Dak.

SHIPPED: 5-2-54 and 6-30-54, from Van Buren, Ark.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 2-8-55, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 4-5-55. Consent—claimed by Nash-Finch Co., Sioux Falls, S. Dak. Segregated, 50 cases destroyed and remainder of product, which was found to be fit, was delivered to charitable institutions.

22264. Canned boysenberries. (F. D. C. No. 37757. S. No. 10-376 M.)

QUANTITY: 22 cases, 24 1-lb. cans each, at Grand Meadow, Minn.

SHIPPED: 6-16-53, from Van Buren, Ark.

LIBELED: 1-25-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 3-9-55. Default—destruction.

22265. Canned boysenberries. (F. D. C. No. 37737. S. No. 9-907 M.)

QUANTITY: 8 cases, 24 1-lb. cans each, at Mankato, Minn.

SHIPPED: 3-27-52, from Richmond, Calif.

LIBELED: 1-8-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 3-1-55. Default—destruction.

22266. Canned cherries. (F. D. C. No. 37914. S. No. 16-904 M.)

QUANTITY: 57 cases, 24 1-lb., 3-oz. cans each, at Kinston, N. C.

SHIPPED: 8-6-52, from Richmond, Va.

LIBELED: 4-1-55, E. Dist. N. C.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 6-29-55. Default—destruction.

22267. Canned grapefruit sections. (F. D. C. No. 37666. S. No. 13-458 M.)

QUANTITY: 85 cases, 24 1-lb. cans each, at Philadelphia, Pa.

SHIPPED: 11-17-54, from Dade City, Fla.

LIBELED: 2-18-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 5-4-55. Default—destruction.

22268. Canned raspberries, canned blueberries, and french dressing. (F. D. C. No. 37652. S. Nos. 8-665/8 M.)

QUANTITY: 12 cases, 24 15-oz. cans each, and 16 cases, 6 6-lb., 7-oz. cans each, of black raspberries; 18 cases, 6 6-lb., 9-oz. cans each, of blueberries; and 201 cases, 24 8-oz. btls. each, of french dressing at Omaha, Nebr.

SHIPPED: Several years ago from Benton Harbor, Mich., and Brooklyn, N. Y.

LIBELED: 2-14-55, Dist. Nebr.

CHARGE: 402 (a) (3)—the black raspberries and the blueberries contained a decomposed substance while held for sale (the articles were undergoing chemical decomposition); and, 403 (g) (1)—the article represented as french dressing contained, while held for sale, less than 35 percent by weight of vegetable oil, the minimum permitted by the definition and standard of identity for french dressing.

DISPOSITION: 3-15-55. Default—destruction.

DRIED FRUIT*

22269. Raisins. (F. D. C. No. 37728. S. No. 8-409 M.)

QUANTITY: 158 cases, 16 2-lb. bags each, at Iola, Kans.

SHIPPED: 3-10-54, from Fresno, Calif.

LIBELED: 1-5-55, Dist. Kans.

*See also No. 22290.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-21-55. Default—destruction.

MISCELLANEOUS FRUIT PRODUCTS

22270. Apricot fruit spread and chocolate sirup. (F. D. C. No. 37730. S. Nos. 8-370/1 M.)

QUANTITY: 24 cases, 24 1-lb. jars each, of apricot fruit spread, and 8 cases, 24 1¼-lb. jars each, of chocolate sirup at North Platte, Nebr.

SHIPPED: Approximately 10 years previous to the filing of the libel, from Chicago, Ill., and Iola, Kans.

LIBELED: 1-4-55, Dist. Nebr.

CHARGE: 402 (a) (3)—had a disagreeable odor and taste while held for sale.

DISPOSITION: 1-26-55. Consent—destruction.

22271. Canned prune juice. (F. D. C. No. 37735. S. No. 4-015 M.)

QUANTITY: 11 cases, 48 12-oz. cans each, at New Castle, Pa.

SHIPPED: 11-6-51, from San Jose, Calif.

LIBELED: 1-4-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 1-20-55. Default—destruction.

VEGETABLES*

22272. Canned beets. (F. D. C. No. 37707. S. No. 13-517 M.)

QUANTITY: 17 cases, 24 1-lb., 4-oz. cans each, at Mahanoy City, Pa.

SHIPPED: 11-23-51, from East Jordan, Mich.

RESULTS OF INVESTIGATION: The article was undergoing chemical decomposition.

LIBELED: 3-10-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 5-4-55. Default—destruction.

22273. Canned okra with tomato sauce. (F. D. C. No. 37691. S. No. 15-907 M.)

QUANTITY: 46 cases, 24 1-lb., 3-oz. cans each, at Seattle, Wash.

SHIPPED: 3-27-52, from Selma, Ala.

RESULTS OF INVESTIGATION: The article was undergoing chemical decomposition.

LIBELED: 3-3-55, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 6-24-55. Default—consumption by animals.

22274. Dried black-eyed peas. (F. D. C. No. 37803. S. No. 1-989 M.)

QUANTITY: 10 cases, 24 1-lb. pkgs. each, at Danville, Va.

SHIPPED: 9-29-54, from North Kansas City, Mo.

LIBELED: 3-8-55, W. Dist. Va.

CHARGE: 402 (a) (3)—contained insects and insect-damaged black-eyed peas while held for sale.

*See also Nos. 22204, 22209, 22251, 22290.

DISPOSITION: 4-28-55. Default—delivered to a charitable institution for use other than for human consumption.

NUTS AND NUT PRODUCTS

22275. Shelled peanuts. (F. D. C. No. 37802. S. Nos. 9-875 M, 10-142 M.)

QUANTITY: 300 110-lb. bags and 156 125-lb. bags at St. Paul, Minn., in possession of Fisher Nut Co.

SHIPPED: 11-24-54 and 12-7-54, from Edenton, N. C., and Pelham, Ga.

LIBELED: 3-4-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-16-55. Consent—claimed by Fisher Nut Co. Segregated, 1,850 lbs. denatured for use as animal feed.

22276. Shelled peanuts. (F. D. C. No. 37441. S. No. 6-063 M.)

QUANTITY: 4 117-lb. bags and 3 35-lb. bags at Evansville, Ind.

SHIPPED: 9-29-54, from Columbus, Ga.

LIBELED: 11-29-54, S. Dist. Ind.

CHARGE: 402 (a) (3)—contained insect filth, rodent filth, and moldy peanuts while held for sale.

DISPOSITION: 1-10-55. Default—destruction.

22277. Shelled Spanish peanuts, flour, and cornmeal. (F. D. C. No. 37566. S. Nos. 9-819 M, 9-821/4 M.)

QUANTITY: 246 125-lb. bags of shelled Spanish peanuts, 20 100-lb. bags and 13 25-lb. bags of flour, and 7 100-lb. bags of cornmeal at Sioux City, Iowa, in possession of Pierce Holdcroft Terminal Warehouse.

SHIPPED: Between 9-16-54 and 10-18-54, from Crete, Nebr., Camilla, Ga., and New Prague, Minn.

LIBELED: 12-30-54, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine (flour) and insects (peanuts and cornmeal) while held for sale; and, 402 (a) (4)—held under insanitary conditions (flour).

DISPOSITION: 1-28-55. Peanuts—consent; claimed by Camilla Cotton Oil Co., Camilla, Ga. 770 lbs. segregated as unfit and converted to animal feed.

2-2-55. Flour and cornmeal—default; converted to animal feed.

22278. Shelled pecans. (F. D. C. No. 37532. S. No. 17-185 M.)

QUANTITY: 38 40-lb. cases at Baltimore, Md.

SHIPPED: 9-28-54, from Orangeburg, S. C.

LIBELED: 12-13-54, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-24-55. Default—consumption by animals.

22279. Shelled walnuts. (F. D. C. No. 37599. S. No. 12-493 M.)

QUANTITY: 33 55-lb. cases at New York, N. Y.

SHIPPED: 10-18-54, from France.

LIBELED: 1-14-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect-infested walnuts and rancid and otherwise decomposed walnuts while held for sale.

DISPOSITION: 2-3-55. Consent—claimed by T. M. Duche & Sons, Inc., New York, N. Y. 288 lbs. segregated as unfit and destroyed.

22280. Shelled walnuts. (F. D. C. No. 37806. S. No. 10-393 M.)

QUANTITY: 50 25-lb. boxes at Minneapolis, Minn.

SHIPPED: From the State of California, on an unknown date.

LIBELED: 3-8-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-damaged walnuts and moldy and rancid walnuts while held for sale.

DISPOSITION: 4-13-55. Consent—claimed by M. A. Fingerman, Minneapolis, Minn. Segregated, 212 lbs. destroyed.

22281. Shelled walnuts. (F. D. C. No. 37483. S. No. 10-367 M.)

QUANTITY: 18 20-lb. cartons and 1 15-lb. carton at Hopkins, Minn.

SHIPPED: 5-27-54, from Kansas City, Mo.

LIBELED: 12-27-54, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-infested walnuts while held for sale.

DISPOSITION: 4-13-55. Default—consumption by animals.

22282. Shredded coconut, flour, and candy. (F. D. C. No. 37587. S. Nos. 8-355/7M.)

QUANTITY: 5 cases, 12 16-oz. bags each, 5 cases, 24 8-oz. bags each, and 5 cases, 24 4-oz. bags each, of shredded coconut; 5 bales, 5 10-lb. bags each, of flour; and 19 boxes, 120 pieces each, of candy at Superior, Nebr., in possession of Cowger Sales Co.

SHIPPED: Between 5-11-54 and 11-26-54, from Chicago, Ill., Kansas City, Mo., and Atlantic City, N. J.

LIBELED: 1-13-55, Dist. Nebr.

CHARGE: 402 (a) (3)—contained rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-3-55. Consent—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS*

22283. Mustard seed. (F. D. C. No. 37778. S. No. 10-383 M.)

QUANTITY: 6 100-lb. bags at St. Paul, Minn.

SHIPPED: 11-29-54, from Chicago, Ill.

LIBELED: 2-2-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: 3-25-55. Default—destruction.

22284. Red peppers. (F. D. C. No. 37310. S. No. 71-655 L.)

QUANTITY: 25 110-lb. bags at New York, N. Y.

SHIPPED: 9-14-54, from Jersey City, N. J.

*See also Nos. 22207, 22210, 22268.

LIBELED: 10-21-54, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-10-54. Default—destruction.

22285. Mixed pickling spices. (F. D. C. No. 37723. S. No. 10-131 M.)

QUANTITY: 2 150-lb. drums at St. Paul, Minn.

SHIPPED: 11-5-54, from Chicago, Ill.

LIBELED: 1-3-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-14-55. Default—consumption by animals.

22286. Blue poppyseed and hulled sesame seed. (F. D. C. No. 37693. S. Nos. 16-897 M, 16-899 M, 17-403 M.)

QUANTITY: 143 110-lb. bags of blue poppyseed and 260 100-lb. bags of hulled sesame seed at Baltimore, Md., in possession of Wm. G. Scarlett & Co.

SHIPPED: Between 3-15-54 and 8-11-54, from New York, N. Y., and from Holland and Nicaragua.

LIBELED: On or about 3-2-55, Dist. Md.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-4-55. Consent—claimed by Wm. G. Scarlett & Co. 1,905 lbs. of blue poppyseed and 466 lbs. of hulled sesame seed segregated as unfit and converted to birdseed.

22287. Hulled sesame seed. (F. D. C. No. 37665. S. No. 5-104 M.)

QUANTITY: 3 100-lb. bags at Chicago, Ill.

SHIPPED: 9-3-54, from New York, N. Y.

LIBELED: 2-25-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 4-7-55. Default—destruction.

22288. Sesame seed and hulled sesame seed. (F. D. C. No. 37385. S. No. 83-788 L.)

QUANTITY: 70 lbs. of sesame seed in bin and 2 100-lb. bags of hulled sesame seed at Superior, Wis.

SHIPPED: 9-15-54, from Chicago, Ill.

LIBELED: 10-25-54, W. Dist. Wis.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-7-54. Default—destruction.

22289. Sesame seed. (F. D. C. No. 37489. S. No. 8-411 M.)

QUANTITY: 1 150-lb. barrel and 1 150-lb. bag at Parsons, Kans.

SHIPPED: 9-15-54, from New York, N. Y.

LIBELED: 1-4-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 3-1-55. Default—destruction.

22290. Sandwich spread, sweet relish, olives, spaghetti, macaroni, and dates.

(F. D. C. Nos. 36430, 36431. S. Nos. 15-633 L, 15-635/6 L, 15-638/9 L, 15-644 L, 15-649 L.)

QUANTITY: 11 cases, 12 12-oz. jars each, of olives; 30 cases, 24 1-pt. jars each, and 36 cases, 24 ½-pt. jars each, of sandwich spread; 7 20-lb. cases of spaghetti; 5 20-lb. cases of macaroni; 29 cases, 24 14-oz. jars each of sweet relish; and 8 cases, 24 8-oz. bags each, of dates, at Sapulpa, Okla.

SHIPPED: During 1944, 1945, and 1948, and on 9-22-52 and 10-7-53, from Baltimore, Md., Wichita, Kans., Memphis, Tenn., Coachella, Calif., and Houston, Tex.

LIBELED: 3-8-54, N. Dist. Okla.

CHARGE: 402 (a) (3)—sandwich spread and sweet relish contained decomposed substance; olives and dates contained insects; and spaghetti and macaroni contained insects and rodent excreta, while held for sale.

DISPOSITION: 3-29-54. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

22291. Vitamin capsules. (F. D. C. No. 37308. S. Nos. 20-423/4 L.)

QUANTITY: 119,200 capsules in 2 drums at Minneapolis, Minn.

SHIPPED: 1-3-47, from Cleveland, Ohio.

RESULTS OF INVESTIGATION: Analysis showed that the capsules contained less than 50 percent of the declared amounts of vitamin B₁.

LIBELED: 10-20-54, Dist. Minn.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statements "Formula Contains * * * Vitamin B₁ * * * 2 mg. per capsule" displayed on one of the drums and "Formula Contains * * * Vitamin B₁ * * * 3.5 mg. per capsule" displayed on the other drum were false and misleading.

DISPOSITION: 1-17-55. Default—destruction.

22292. Vitamin capsules. (F. D. C. No. 37425. S. No. 8-496 L.)

QUANTITY: 6 1,000-capsule btls. at Syracuse, N. Y.

SHIPPED: During 1949 or 1950, from Detroit, Mich.

LIBELED: 11-19-54, N. Dist. N. Y.

CHARGE: 402 (b) (1)—valuable constituents, vitamin B₁ and vitamin D, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statement "Each Capsule Contains: * * * 333 U. S. P. Units of Vitamin B-1 1,000 U. S. P. Units of Vitamin D" was false and misleading.

DISPOSITION: 1-7-55. Default—destruction.

22293. Vitamin tablets. (F. D. C. No. 37352. S. Nos. 68-587/9 L.)

QUANTITY: 89 btls., 240 tablets each, 38 btls., 400 tablets each, and 22 btls., 100 tablets each, at New York, N. Y.

SHIPPED: Between the latter part of 1953 and 9-15-54, from Baltimore, Md.

RESULTS OF INVESTIGATION: Analyses showed that the tablets contained less than the declared amount of vitamin A.

LIBELED: 11-15-54, S. Dist. N. Y.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin A, had been in part omitted or abstracted from the tablets while held for sale; and, 403 (a)—the label statement "Each 16 Tablets average following approximate totals: 4,000 U. S. P. units Vitamin A" was false and misleading.

DISPOSITION: 12-15-54. Default—destruction.

22294. Vitamin tablets. (F. D. C. No. 37917. S. No. 4-699 M.)

QUANTITY: 23 1000-tablet btls. and 4 500-tablet btls. at Buffalo, N. Y., in possession of Ziegler Pharmacal Corp.

SHIPPED: 5-12-52, from Worcester, Mass.

LABEL IN PART: (Btl.) "Natural Vitamin B Complex Liver Tablets (Desiccated) 2 grs. Each tablet contains whole dess. liver 2 grains from 10 grains fresh liver. Each tablet contains: Vitamin B₁ (Thiamin) Vitamin G (Riboflavin) Vitamin B₆ (Pantothenic Acid) Nicotinic Acid and other members of Vitamin B Complex family natural to Liver. Distributed and sold exclusively by Ziegler Pharmacal Company Buffalo, New York."

RESULTS OF INVESTIGATION: The article was shipped in bulk, and after its receipt, was repackaged into bottles and relabeled by the consignee.

LIBELED: 4-1-55, W. Dist. N. Y.

CHARGE: 403 (j)—the label of the article, while held for sale, failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin B₁ and riboflavin and the quantities of nicotinic acid and vitamin B₆ supplied by the article when consumed in a specified quantity during a period of one day; and, since the need in human nutrition for pantothenic acid has not been established, its label failed also to bear the statement "The need for pantothenic acid in human nutrition has not been established."

DISPOSITION: 5-10-55. Default—destruction.

22295. Vitamin tablets. (F. D. C. No. 37696. S. No. 3-959 M.)

QUANTITY: 153 boxes, each containing 147 tablets, at Syracuse, N. Y.

SHIPPED: 4-13-53, from Baltimore, Md.

RESULTS OF INVESTIGATION: Analysis showed that the article contained 1 percent of the declared amount of vitamin A and approximately 50 percent of the declared amount of vitamin D.

LIBELED: 3-5-55, N. Dist. N. Y.

CHARGE: 402 (b) (1)—valuable constituents, vitamin A and vitamin D, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statement "Each Brown Tablet contains: * * * Vitamin A * * * 2000 U. S. P. Units * * * Vitamin D * * * 200 U. S. P. Units" was false and misleading.

DISPOSITION: 4-12-55. Default—destruction.

22296. Vitamin tablets. (F. D. C. No. 37375. S. No. 71-313 L.)

QUANTITY: 106 16-tablet btls. at Chicago, Ill.

SHIPPED: 9-24-54, from Baltimore, Md.

RESULTS OF INVESTIGATION: Analysis showed that the article contained 67 percent of the declared amount of vitamin A.

LIBELED: 12-1-54, N. Dist. Ill.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin A, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statement "Each 16 Tablets average following approximate totals: 4000 U. S. P. units Vitamin A" was false and misleading.

DISPOSITION: 2-24-55. Default—destruction.

22297. Multivitamin mineral tablets. (F. D. C. No. 37350. S. Nos. 82-918/9 L.)

QUANTITY: 2,375 60-tablet btls. at Chicago, Ill.

SHIPPED: Between 2-21-53 and 4-21-53, from North Hollywood, Calif.

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than the declared amounts of vitamin A, niacin-niacinamide, and vitamin C.

LIBELED: 11-9-54, N. Dist. Ill.

CHARGE: 402 (b) (1)—valuable constituents, vitamin A, niacin-niacinamide, and vitamin C, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statement "Two Tablets Daily Provide at least: Vitamin A * * * 5000 U. S. P. Units * * * Niacin-Niacinamide 25 Mg. * * * Vitamin C * * * 30 Mg." was false and misleading.

DISPOSITION: 3-18-55. Default—delivered to charitable institutions.

22298. Vitamin perles. (F. D. C. No. 37466. S. No. 13-810 M.)

QUANTITY: 1 5,000-perle btl., 4 1,000-perle btls., 4 500-perle btls., and 8 100-perle btls. at Decatur, Ill.

SHIPPED: 2-26-53, from Detroit, Mich.

RESULTS OF INVESTIGATION: The article was shipped in bulk and, after its receipt by the consignee, was repackaged and relabeled. Analysis showed that the article contained 50 percent of the declared amount of vitamin D.

LIBELED: 12-10-54, S. Dist. Ill.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statement "Each Perle Represents * * * Vitamin D 1000 U. S. P. Units (2.5 M. D. R.)" was false and misleading.

DISPOSITION: 1-27-55. Default—destruction.

22299. Tobenex capsules, Heminal tablets, and Aronnol capsules. (F. D. C. No. 36850. S. Nos. 45-847/9 L.)

QUANTITY: 698 100-capsule btls. of Tobenex capsules, 982 100-tablet btls. and 41 1,000-tablet btls. of Heminal tablets, and 773 100-capsule btls. of Aronnol capsules at Bridgeport, Conn.

SHIPPED: Between 10-26-51 and 8-29-52, from Newark, N. J., and Brooklyn, N. Y.

RESULTS OF INVESTIGATION: Analyses showed that the Tobenex capsules contained less than 50 percent of the declared amount of vitamin B₁; that the Heminal tablets contained 70 percent and 72 percent of the declared amounts of vitamin B₁ and vitamin C, respectively; and that the Aronnol capsules contained no carotene and only about 50 percent of the declared amount of vitamin D.

LIBELED: 7-6-54, Dist. Conn.

CHARGE: Tobenex capsules. 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statement "Each capsule contains: Thiamine Hydrochloride (B₁) * * * 2.5 milligrams" was false and misleading.

Heminal tablets. 402 (b) (1)—the valuable constituents, vitamin B₁ and vitamin C, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statements "Each Tablet Contains: * * * Ascorbic Acid USP 50 Mg. Thiamin Chloride USP 1 Mg." were false and misleading.

Aronnol capsules. 402 (b) (1)—a valuable constituent, carotene, had been wholly omitted or abstracted from the article while held for sale, and a valuable constituent, vitamin D, had been in part omitted or abstracted from the article; and, 403 (a)—the label statements "Each Capsule Contains: * * * Carotene 800 USP U. Vitamin D 400 USP U." were false and misleading.

The libel alleged also that one other product, namely, Lixerin, was adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4570.

DISPOSITION: 9-14-54. Default—delivery to charitable institution for its use and not for sale.

22300. Extract of garlic capsules, wheat germ oil capsules, and WheatonE capsules. (F. D. C. No. 33573. S. Nos. 38-627/8 L.)

QUANTITY: 11 100-capsule btls. and 3 400-capsule btls. of extract of garlic capsules, 7,900 capsules of wheat germ oil capsules in 1 carton, and 62 100-capsule btls. and 11 300-capsule btls. of WheatonE capsules at New York, N. Y., in possession of Falkner & May, Inc.

SHIPPED: 5-16-52 and 6-16-52, from Jersey City, N. J., and Detroit, Mich.

LABEL IN PART: (Btl.) "Falmay Pure Extract of Garlic In Vegetable Oils"; (carton) "Wheat Germ Oil Ingredients in each capsule: Wheat Germ Oil . . . 6 Minims"; (btl.) "Falmay sealed 'WheatonE' Capsules contain Hormone Activity plus Natural Vitamin E As Found in Wheat."

ACCOMPANYING LABELING: Booklets entitled "Healthful Living Volume Ten 1952," "Healthful Living Volume Eleven 1952," and "Healthful Living 'Highlights' 1952."

RESULTS OF INVESTIGATION: The extract of garlic capsules were repackaged from a bulk consignment into bottles and labeled by the consignee, and the WheatonE capsules were repackaged by the consignee from portions of an original consignment of 18,000 wheat germ oil capsules. The booklets were printed for the consignee and were distributed to customers and prospective customers.

LIBELED: 9-8-52, S. Dist. N. Y.

CHARGE: Extract of garlic capsules. 403 (a)—the label statement "Garlic is one of our important foods. This is a natural concentration from fresh garlic" was misleading, as the article, when consumed as directed, namely, "one or two capsules with each meal," would contribute essentially nothing of value as a food.

Wheat germ oil capsules and WheatonE capsules. 403 (a)—the following statements, namely, (on bottle label) "This is a concentrated source of wheat," (in booklet entitled "Healthful Living Volume Ten 1952") "Wheat Has Been Known for Years as 'The Staff of Life' Falmay Wheatone Cap-

sules * * * are a concentrate from wheat. Wheat is one of our most important foods containing vast amounts of nutritious factors," and similar statements in the booklet entitled "Healthful Living 'Highlights' 1952," were false and misleading, as the article was not a concentrated form of wheat and did not contain the various nutritious factors of wheat; and, 403 (f)—the information required by 403 (i) (1) to appear on the label of the article as repackaged, namely, the common or usual name of the article, wheat germ oil, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4499.

DISPOSITION: 10-8-52. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22201 TO 22300

PRODUCTS

	N. J. No.		N. J. No.
Apricot fruit spread_____	22270	Fruits and vegetables---	² 22204, 22209, 22251, 22262-22274, 22290
Aronnol capsules_____	22299	fruit, canned_____	22262-22268
Beans, black-eyed, dried_____	22251	dried_____	22269-22290
lima, dried_____	22209	miscellaneous fruit	
Beets, canned_____	22272	products_____	22270, 22271
Black-eyed beans, dried_____	22251	vegetables-----	² 22204, 22209, 22251, 22272-22274, 22290
peas, dried_____	22274	Garlic, extract of, capsules_____	22300
Blueberries, canned_____	22262, 22268	Grapefruit sections, canned_____	22267
Boysenberries, canned_____	22263-22265	Grits, hominy_____	22207
Bran_____	22234	Heminal tablets_____	22299
Buckwheat flour_____	22236	Hominy grits_____	22207
Candy_____	22201, 22202, 22282	Iodized salt_____	22207
Cereals and cereal products---	¹ 22205-22251, 22277, 22282, 22290	Lentils_____	² 22204
Cherries, canned_____	22266	Lima beans, dried_____	22209
Chocolate sirup_____	22203, 22270	Macaroni_____	22290
Chub (fish), frozen_____	22252	Malt_____	22237, 22238
Cocoa_____	² 22204	Mix, pancake_____	22207
Coconut, shredded_____	22282	pancake and waffle_____	22239
Cod fillets, frozen_____	22253	Mustard seed_____	22283
Coffee sweepings_____	² 22204	Nuts and nut products---	22275-22282
Cornmeal_____	¹ 22205-22210, 22277	Okra with tomato sauce, canned_	22273
Dates_____	22290	Olives_____	22290
Fish and shellfish_____	22252-22261	Oysters, dried_____	22260
Flavors. See Spices, flavors, and seasoning materials.		Pancake mix_____	22207
Flour_____	¹ 22210-22236, 22277, 22282	and waffle mix_____	22239
Fluke (fish), frozen_____	22254	Pasole (corn product)_____	22208
French dressing_____	22268		

¹ (22210) Injunction issued.

² (22204) Seizure contested.

	N. J. No.		N. J. No.
Peanuts, shelled	22275, 22276	Shrimp, frozen	22261
Spanish	22277	Sirup, chocolate	22203, 22270
Peas, black-eyed, dried	22274	Snappers, red, frozen	22257, 22258
Pecans, shelled	22278	Sole, gray (fish), frozen	22259
Peppers, red	22284	Spaghetti	22290
Pickling spices, mixed	22285	Spanish peanuts, shelled	22277
Popcorn, unpopped	22239-22241	Spices, flavors, and seasoning materials	22207, ¹ 22210, 22268, 22283-22290
Poppyseed, blue	22286	Sugar	¹ 22210
Prune juice, canned	22271	Tobenex capsules	22299
Raisins	22269	Vegetables. <i>See</i> Fruits and vegetables.	
Raspberries, canned	22268	Vitamin, mineral, and other products of special dietary significance	22291-22300
Relish, sweet	22290	Walnuts, shelled	22279-22281
Rice	22207, 22211, 22235, 22242-22251	Wheat germ oil capsules	22300
Salt	¹ 22210	WheatonE capsules	22300
iodized	22207		
Sandwich spread	22290		
Sardines, canned	22255		
Sesame seed	22286-22289		
Shad, canned	22256		
Shellfish. <i>See</i> Fish and shellfish.			

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Asher-Wyoming Co.:		Falkner & May, Inc.:	
flour	22231	extract of garlic capsules, wheat germ oil capsules, and WheatonE capsules	22300
Barzellone, Vito:		Fisher Nut Co.:	
cornmeal, hominy grits, iodized salt, pancake mix, and rice	22207	shelled peanuts	22275
Brumwell Milling Co.:		Giacomo, S. D., Co.:	
buckwheat flour	22236	cornmeal, hominy grits, iodized salt, pancake mix, and rice	22207
Buchanan, Edward:		Giunta Bros.:	
flour	22212	rice	22246
Buchanan Laboratories. <i>See</i> Buchanan, Edward.		Gooch Feed Mill Co.:	
Capitol Feed Co.:		flour and bran	22234
cornmeal	22205	Griffin Grocery Co.:	
Collins-Dietz-Morris Co.:		malt	22238
rice	22247	Grossmac Trucking & Warehousing Corp.:	
Cowger Sales Co.:		unpopped popcorn	22241
shredded coconut, flour, and candy	22282	Gruen Bake Shop:	
Cremo Brewing Co., Inc.:		flour	22217
caramel malt and standard malt	22237	Hill, William R., & Co.:	
Durango Mercantile Co.:		rice and black-eyed beans	22251
flour	22213	Hubbard Grocery Co.:	
Epstein, Harry:		flour	22220
flour, salt, sugar, and cornmeal	¹ 22210		

¹ (22210) Injunction issued.

	N. J. No.		N. J. No.
Leonard, L. A.:		Scarlett, Wm. G., & Co.:	
unpopped popcorn and pancake		blue poppyseed and hulled	
and waffle mix-----	22239	sesame seed-----	22286
Mahoning Valley Flour Co.:		Security Wholesale Grocery Co.:	
flour and rice-----	22211	rice-----	22242
Merchants Distributing Co., Inc.:		Silver Flour Warehouse & Truck-	
flour-----	22225	ing Corp.:	
Mid-Quin Wholesale Grocery &		flour-----	22214
Produce Co.:		Sunshine Food Markets, Inc.:	
unpopped popcorn and pancake		flour-----	22223
and waffle mix-----	22239	Thomas & Howard Co., Inc.:	
Nash-Finch Co.:		flour-----	22229
flour-----	22219	rice-----	22243
Peters, R. J.:		Thurman Co.:	
caramel malt and standard		flour, salt, sugar, and corn-	
malt-----	22237	meal-----	¹ 22210
Pierce-Holdcroft Warehouse:		Tubb, J. H., Wholesale Grocery:	
cornmeal-----	22277	cornmeal-----	22206
flour-----	22221, 22277	Union Storage & Transfer Co.:	
peanuts, Spanish, shelled-----	22277	flour-----	22222
Plattsburgh Feed & Grocery Co.:		Utah Wholesale Grocery Co.:	
flour-----	22226	rice-----	22249
Prentice Stores, New York Dock		Vaio Distributing Co.:	
Co.:		flour-----	22216
cocoa, coffee sweepings, and		Western Grocer:	
lentils-----	² 22204	flour-----	22215
Puffer Mercantile Co.:		Western Grocer Co.:	
rice-----	22245	flour and rice-----	22235
Russell-Miller Milling Co.:		Westman Commission Co.:	
flour-----	22224	rice-----	22248
Santangelo, S. E.:		Wholesaler Grocery:	
flour and rice-----	22211	cornmeal and pasole-----	22208
Scaccianoce, G., & Co.:		Ziegler Pharmacal Corp.:	
flour-----	22233	vitamin tablets-----	22294

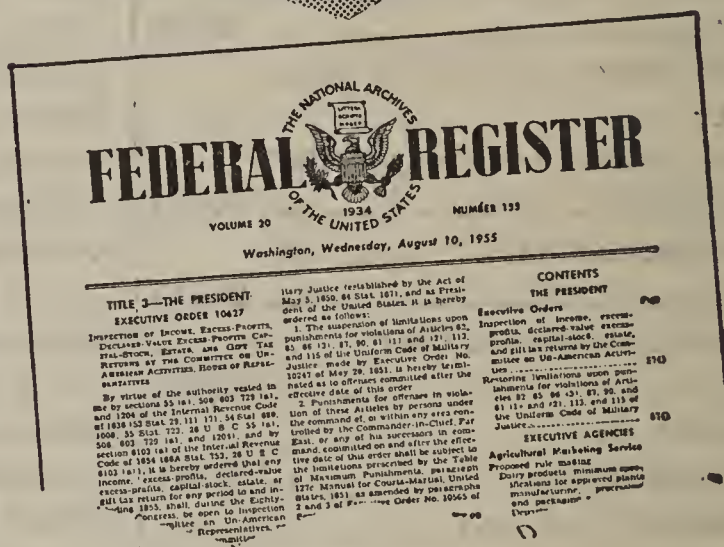
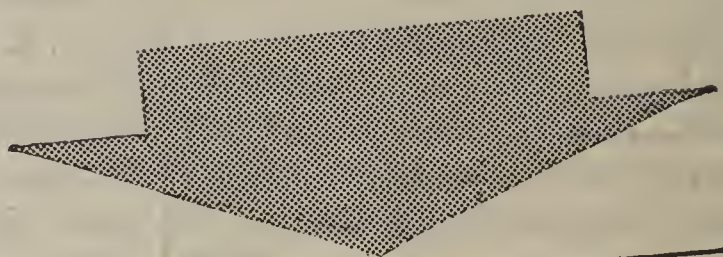
¹ (22210) Injunction issued.² (22204) Seizure contested.

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MAY 23 1956

Issued May 1956

U. S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22301-22350

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default, consent, or trial; (2) criminal proceedings which were terminated upon pleas of nolo contendere or guilty, or verdicts of guilty; and (3) injunction proceedings terminated with the entry of consent decrees of injunction. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., May 1, 1956.

CONTENTS

	Page		Page
Candy.....	88	Fruits and vegetables—Continued	
Cereals and cereal products.....	89	Fresh fruit.....	102
Bakery products.....	89	Frozen fruit.....	102
Flour.....	92	Vegetables.....	102
Macaroni and noodle products..	92	Tomatoes and tomato products..	108
Dairy products.....	93	Nuts.....	111
Butter.....	93	Oils and fats.....	111
Cheese.....	96	Poultry.....	113
Miscellaneous dairy products..	97	Spices, flavors, and seasoning ma-	
Eggs.....	98	terials.....	114
Feeds and grains.....	98	Vitamin, mineral, and other prod-	
Fish and shellfish.....	99	ucts of special dietary signifi-	
Fruits and vegetables.....	101	cance.....	115
Dried fruit.....	101	Index.....	116

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN
VIOLATIONS REPORTED IN F. N. J. NOS 22301-22350**

Adulteration, Section 402 (a) (1), the article contained an added poisonous substance which may have rendered it injurious to health; Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent had been in part omitted or abstracted from the article; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength; and, Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents; and, Section 403 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard.

CANDY

22301. Candy. (F. D. C. No. 34835. S. Nos. 23-420/1 L.)

INFORMATION FILED: 5-20-53, N. Dist. Ill., against Cook Chocolate Co., a corporation, Chicago, Ill.

SHIPPED: Between 10-31-51 and 12-13-51, from Illinois to New York.

LABEL IN PART: (Box) "Buy Vita Sert by the Box Over 2 lbs. of Delicious Chocolate Plus 24 Days' Supply of 6 Essential Vitamins"; (bar wrapper) "Sweet Chocolate Candy Contains Sweet Chocolate and Vitamins [or "Sweet Milk Chocolate Contains Sweet Milk Chocolate Almonds Vitamins"] Vita Sert A-4000 I. U. B₁-1 Mg. B₂-2 Mg. C-30 Mg. D-400 I. U. 10¢ A bar a day supplies 100% of minimum daily adult requirements of vitamins listed and 10 Mg. Niacin Amide."

RESULTS OF INVESTIGATION: Analyses revealed that the articles were deficient in vitamins A, B₁, and C, and in niacinamide.

CHARGE: Sweet chocolate candy. 402 (b) (2)—sweet chocolate containing added vitamins had been substituted for sweet chocolate; 403 (a)—the label statement on the box "You Get These Vitamins In Every Bar A . . . 4000 I. U.* B₁ . . . 1 Mg.* C . . . 30 Mg.* Niacinamide . . . 10 Mg.* *These quantities are 100% of minimum adult daily requirements as set by U. S. Government" and the label statement on the bar wrapper "Vitamins A-4000 I. U. B₁-1 Mg. C-30 Mg. A bar a day supplies 100% of minimum daily adult requirements of vitamins listed and 10 Mg. Niacin Amide" were false and misleading; and, 403 (g) (1)—the articles contained added vitamins, which

are not permitted as optional ingredients in the definition and standard for sweet chocolate.

Sweet milk chocolate. 402 (b) (1)—valuable constituents, vitamins A, B₁, and C, and niacinamide, had been in part omitted from the article; and, 403 (a)—the label statements on the bar wrappers "Vitamin A-4000 I. U. B₁-1 Mg. * * * C-30 Mg." and "A bar a day supplies 100% of minimum daily adult requirements of vitamins listed and 10 Mg. Niacin Amide" were false and misleading.

PLEA: Nolo contendere.

DISPOSITION: 6-7-55. \$400 fine, plus costs.

22302. Candy. (F. D. C. No. 35618. S. Nos. 77-131 L, 87-807/10 L.)

INFORMATION FILED: 3-16-55, E. Dist. Pa., against E. G. Whitman & Co., Inc., Philadelphia, Pa.

SHIPPED: Between 8-3-54 and 8-9-54, from Pennsylvania to New Jersey.

LABEL IN PART: (Can) "Snow Drop Mints" or "Mint Souffles."

CHARGE: 402 (a) (3)—contained fly fragments; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-19-55. \$250 fine.

22303. Candy and fruitcake. (F. D. C. No. 34863. S. Nos. 19-971 L, 22-645 L, 46-373 L, 53-714 L, 59-146 L.)

INFORMATION FILED: 6-25-53, E. Dist. La., against Tasso Plantation Foods, a partnership, Arabi, La., and Caswell P. Ellis III and Bryan Bell, partners.

SHIPPED: Between 8-4-52 and 11-24-52, from New Orleans, La., to Tampa, Fla.; from Arabi, La., to St. Louis, Mo., Houston, Tex., and Cedar Rapids, Iowa; and from Arabi, La., to New Orleans, La., for shipment to Panama, C. Z.

LABEL IN PART: (Pkg.) "Giant Pops * * * Tasso Plantation Foods 536 Camp Street New Orleans, La." and "Old New Orleans Fruit Cake [or "French Kitchen Fruit Cake"] Manufactured by Tasso Plantation Foods New Orleans, La."

CHARGE: 402 (a) (3)—contained flies, fly parts, larva parts, insects, insect parts, ant parts, and rodent hair fragments; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 2-2-55. Each defendant fined \$100.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

22304. Rolls. (F. D. C. No. 37169. S. No. 84-240 L.)

INFORMATION FILED: 11-30-54, Dist. Del., against Del Campo Baking Co., a partnership, Wilmington, Del.

*See also No. 22303.

SHIPPED: 3-30-54, from Delaware to Pennsylvania.

LABEL IN PART: (Pkg.) "Del Campo Rolls."

CHARGE: 402 (a) (3)—contained insect fragments; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-15-55. \$100 fine.

22305. Assorted rolls. (F. D. C. No. 35807. S. Nos. 50-373 L, 50-378/9 L.)

INFORMATION FILED: 11-3-54, S. Dist. N. Y., against Gnome Bakers, Inc., New York, N. Y., and Frederick A. Dawn, vice president.

SHIPPED: 8-26-53 and 8-27-53, from New York to New Jersey.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The defendants filed a motion for a bill of particulars, which the court granted on 1-10-55. Thereafter, the defendants filed a motion to suppress certain evidence obtained by the Food and Drug Administration during inspections of the defendants' plant and to dismiss the information. On 8-12-55, after consideration of the briefs and arguments of counsel, the court handed down the following opinion:

DIMOCK, *District Judge*: "Defendants move (1) to dismiss the information on the grounds that it and the statute which it charges defendants with having violated is so vague, indefinite, uncertain and speculative as to render it void and (2) to suppress evidence on the grounds that the Food and Drug Administration failed to comply with and violated section 346 of title 21 of the United States Code and that the Food and Drug Administration failed to give defendants receipts for certain evidence which it 'seized allegedly in interstate commerce.'

"This is a prosecution, by information in three counts, for violation of sections 331 (a) and 333 (a) of title 21 U. S. C., the Federal Food, Drug and Cosmetic Act. The information charges defendants with having caused to be introduced into interstate commerce, on three separate occasions, food, rolls, which was adulterated in that it consisted in part of a filthy substance, and was further adulterated in that it had been prepared under unsanitary conditions whereby it may have become contaminated with filth.

"Defendants say that the information is vague, etc., because while charging acts in violation of 21 U. S. C. §§ 331 (a) and 333 (a) it describes them in terms of 21 U. S. C. § 342 (a) (3) and (a) (4). Defendants are quite correct, and the government concedes, that the terms used are those contained in subsections (a) (3) and (a) (4) of section 342. However, this language, far from making the information vague, helps to make it more certain for these subsections amplify the description of the acts made unlawful by sections 331 (a) and 333 (a).

"Defendants say that the statute itself is so vague, etc., that this information charging them with having violated it is void. Section 331 (a), so far as it is material here, prohibits the introduction into interstate commerce of any food that is 'adulterated.' Section 333 (a) so far as it is material here, makes violation of section 331 (a) a crime. The 'adulteration' alleged to have existed in the present case is defined, as has been said above, by section 342 (a) (3) and (a) (4). Thus if I determine that this section is improperly vague, etc., I must grant defendants' motion. Defendants' argument on this branch of their motion is directed only against the language of section 342 (a) (4). The very point here raised by defendants has been considered in *Golden Grain Macaroni Co. v. United States*, 9 Cir., 209 F. 2d 166, and *Berger v. United States*, 8 Cir., 200 F. 2d 818. In both of those cases it was determined that the language of

section 342 (a) (4) was sufficiently specific and definite to be constitutionally valid. Defendants say that those cases have no vitality because they were decided before August 7, 1953, the effective date of certain amendments to the statute, and before the Supreme Court's decision in *United States v. Cardiff*, 344 U. S. 174. The amendment to which defendants refer made no changes in section 342 (a) (4) and the Cardiff case had nothing to do with that section. Thus defendants' attempts to distinguish the *Golden Grain* and *Berger* cases are not sound. I accept the reasoning of Judges Collet and Healy, respectively, in those two cases and will follow their decisions.

"There remains to be considered the branch of defendants' motion which asks that certain evidence be suppressed. First, this branch of the motion is directed to all of the government's evidence on the ground that the Secretary of Health, Education and Welfare failed to comply with the provisions of 21 U. S. C. § 346 requiring the promulgation of rules of tolerance. If the Secretary did fail to comply with section 346 it may be that defendants' motion has solid ground under it. See *United States v. Maryland Baking*, D. C. N. D. Ga. A. D., 81 F. Supp. 560. In any event, however, I cannot agree with defendants that there has been any failure to comply with section 346. Section 346 directs the Secretary to promulgate rules of tolerance for the purposes of the application of 21 U. S. C. § 342 (a) (2). Section 342 (a) (2) provides that a food shall be deemed to be adulterated when it contains any added 'poisonous' or 'deleterious' substance. The information here is couched, in all counts, in the language of section 342 (a) (3) and (a) (4) rather than section 342 (a) (2). It will be remembered that what is involved here is 'filth' as used in the first-mentioned sections, rather than 'poisonous' or 'deleterious' substances, as used in the latter. Proof that the rolls involved here contained poisonous or deleterious substances is no part of the government's case, see *United States v. 449 Cases, Etc.*, 2 Cir., 212 F. 2d 567, and section 346 does not authorize, a fortiori does not direct, the Secretary to promulgate rules of tolerance for the presence of filth in food. Therefore defendants' contention that the Secretary failed to comply with 21 U. S. C. § 346 is without merit.

"Defendants argue further that 'the Food and Drug Administration failed to furnish defendants with any receipts for rolls seized allegedly in interstate commerce' and say that any evidence which the government has as a result of this seizure should be suppressed. Section 374 (e) of title 21 U. S. C. requires that when any 'sample' of product is obtained in the course of inspection of a factory, warehouse, etc., a receipt describing the articles obtained must be furnished. Here certain rolls were taken into possession by agents of the Food and Drug Administration in the course of an inspection of defendants' bakery and receipts for them were given. Other rolls were obtained 'allegedly in interstate commerce' and receipts for them were not given. The government explains, and defendants do not deny, that this latter group of rolls was purchased by the government from independent third parties. Apparently the government simply bought these rolls from a retailer. Defendants point to nothing in the statute which requires that the government present receipts for a product obtained in this way and reason militates against the proposition that receipts should be required under such circumstances.

"Defendants' motion is in all respects denied."

The case came on for trial before the court and jury on 10-3-55. The trial was concluded on 10-11-55, with the return by the jury of a verdict of guilty.

On 10-24-55, the court fined the individual \$250 on count 1 and \$1 on each of counts 2 and 3, remitting the fine imposed on the latter 2 counts; the corporation was fined \$3,000, \$1,500 of which was suspended.

22306. Pizza piecrust. (F. D. C. No. 37231. S. Nos. 76-716/7 L, 88-175 L.)

INFORMATION FILED: 3-25-55, S. Dist. N. Y., against Real Pizza Crust, Inc., Bronx, N. Y., and Michael Alfonso, president of the corporation.

SHIPPED: Between 8-13-54 and 8-23-54, from New York to Massachusetts and the District of Columbia.

CHARGE: 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-25-55. Each defendant fined \$200.

FLOUR

22307. Tapioca flour. (F. D. C. No. 31675. S. No. 24-637 L.)

QUANTITY: 307 bags at Brooklyn, N. Y.

SHIPPED: 6-7-51 and 6-8-51, from Boston, Mass., by Norton-Lilly Co.

LABEL IN PART: (Bag) "KG Tapioca Flour N/W 100 Kgs. Produce of Siam"
or "Tapioca Flour Ceres Boemia Joe 100 Kg."

LIBELED: 9-11-51; amended libel filed 5-18-54, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hair fragments when shipped and while held for sale.

DISPOSITION: Benjamin Eskwith, t/a Fulton Trading & Commission Co., New York, N. Y., claimant, filed an answer denying that the article was a food and was adulterated as alleged. Thereafter, both parties served interrogatories upon each other. The claimant answered certain interrogatories and objected to the remainder. On 2-19-54, the court overruled the claimant's objections, ordering it to answer the interrogatories. Subsequently, the claimant answered the remaining interrogatories and the Government answered the claimant's interrogatories. On 5-5-54, the court granted the Government's motion to amend the libel. Thereafter, the court denied the Government's motion for a summary judgment, and the case came to trial before a jury on 1-3-55. The jury returned a verdict for the Government on 1-4-55, and on 5-18-55, a decree was entered condemning the article and ordering its destruction.

MACARONI AND NOODLE PRODUCTS

22308. Enriched macaroni products. (F. D. C. No. 37200. S. Nos. 50-438/9 L.)

INFORMATION FILED: 4-7-55, E. Dist. N. Y., against G. Santoro & Sons, Inc., Brooklyn, N. Y.

SHIPPED: 3-9-54, from New York to New Jersey.

LABEL IN PART: "Santoro Enriched Macaroni Specialties Made From No. 1 Durum Wheat Semolina Net Weight 1 Lb. * * * Manufactured By G. Santoro & Sons, Inc., Brooklyn, N. Y."

CHARGE: 403 (g) (1)—the article failed to conform to the definition and standard of identity for enriched macaroni since it contained in each pound less than 4 milligrams of thiamine, less than 1.7 milligrams of riboflavin, less than 27 milligrams of niacin or niacinamide, and less than 13 milligrams of iron.

PLEA: Guilty.

DISPOSITION: 4-25-55. \$200 fine.

22309. Elbow macaroni. (F. D. C. No. 37676. S. No. 12-885 M.)

QUANTITY: 422 20-lb. cartons at Trenton, N. J.

SHIPPED: 1-26-55, from Philadelphia, Pa., by Philadelphia Macaroni Co., Inc.

LIBELED: 2-23-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-24-55. Default—destruction.

DAIRY PRODUCTS

BUTTER

22310. Butter. (F. D. C. No. 35096. S. Nos. 23-570 L, 24-547 L, 37-933 L.)

INFORMATION FILED: 7-2-53, S. Dist. N. Y., against H. Wool & Sons, Inc., New York, N. Y., and Herbert Wool, general manager.

ALLEGED VIOLATION: Between 8-7-52 and 9-11-52, the defendants caused a number of packages of butter labeled in part "1 Lb. Net" to be delivered for introduction into interstate commerce by delivery to vessels engaged solely in interstate and foreign commerce (counts 1 and 2); and, on 9-23-52, while a quantity of butter was being held for sale after shipment in interstate commerce, the defendants caused such butter to be repackaged into cartons labeled in part "One Pound Net Weight" (count 3).

RESULTS OF INVESTIGATION: An examination revealed that the packages and cartons referred to above were short weight.

CHARGE: 403 (e) (2)—the labels of the butter, delivered and held for sale as described above, failed to bear an accurate statement of the quantity of contents.

PLEA: Not guilty.

DISPOSITION: This case came to trial before a jury on 10-23-53. The jury returned, on 10-27-53, a verdict of not guilty as to counts 1 and 2 and guilty as to count 3. On 10-30-53, the corporation and the individual were each fined \$1,000 and the individual was sentenced to prison for 6 months. A notice of appeal was filed by the defendants, and on 7-27-54, the United States Court of Appeals for the Second Circuit handed down the following opinion, affirming the judgment of conviction:

HARLAN, *Circuit Judge*: "H. Wool & Sons, Inc., a wholesale seller of dairy products, and Herbert Wool, the Corporation's Secretary, who was one of its principal owners and active in the management of its affairs, have been found guilty by a jury of violating § 331 (k) of Title 21 of the United States Code, 21 U. S. C. A. § 331 (k),¹ which, among other things, prohibits the doing of any act with respect to an article of food held for sale after shipment in interstate commerce which results in misbranding, as defined in § 343 (e) (2).² Section 333 (a), 21 U. S. C. A. § 333 (a), makes violation of § 331 a misdemeanor.³

"The food involved was butter, alleged to have been received by Wool Inc., after it had been in interstate commerce. The act of the defendants asserted

¹ "§ 331. Prohibited acts

The following acts and the causing thereof are hereby prohibited:

* * * (k) The alteration * * * or the doing of any other act with respect to, a food * * * if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being * * * misbranded."

² "§ 343. Misbranded food

A food shall be deemed misbranded—

(a) If its labeling is false or misleading in any particular. * * * (e) If in package form unless it bears a label containing * * * (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: Provided, That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary."

* "§ 333. Penalties * * *

(a) Any person who violates any of the provisions of section 331 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not than \$1,000, or both such imprisonment and fine * * *."

to have resulted in misbranding was the repacking of some of this butter on or about September 23, 1952, in cartons labeled in part

One Pound
Net Weight
Lily
Brand
Creamery Butter

whereas the Government claims the butter in such packages weighed less than a pound.

"The conviction of the defendants was on the third Count of an information which in the first two Counts charged the defendants with deliveries on two different dates of underweight butter for introduction into interstate commerce, also in violation of the Statutes just referred to. The jury acquitted on the first two Counts.

"At the trial the Government introduced evidence, which indeed was not disputed, that shortly before September 23, 1952, Wool Inc., had obtained a shipment of butter from Zenith-Godley Company, which in turn had received the butter in interstate commerce from an Iowa concern, and that a substantial amount of this butter was on the Wool premises when the alleged repacking occurred on September 23, 1952. Nor was it seriously disputed that 19 of the 20 supposedly one-pound cartons of repackaged butter examined that day on the Wool premises by the Government inspectors were underweight.

"The only factual issues under the third Count of the information which were really open to dispute related to (1) whether the butter in the 19 shortweight cartons had been in interstate commerce, (2) whether the defendants had knowledge that such was the case, and (3) whether they knew that such cartons were underweight. As to the last point, the trial Judge thought—and we must say with every justification—that defendants' counsel had conceded in his summation that the cartons were underweight. However, since it may be argued, as it now apparently is, that the statements of defense counsel in this respect related to the charges under the first two Counts of the information, we shall assume that no such concession was intended as to the third Count.

"The appellants' contentions as to the absence of evidence that the defendants had knowledge of the out of state origin of any of the butter on the Wool premises or of the fact that the repackaged butter was underweight may be quickly disposed of. Both the wording of § 331 (k) and the cases show that it was not incumbent on the Government to prove that the defendants *knew* that the butter contained in the underweight cartons had been in interstate commerce. See *United States v. Dotterweich*, 320 U. S. 277, 280-281 (1943); *United States v. Tannuzzo*, 174 F. 2d 177, 180 (2d Cir. 1949). As to this issue, the trial Court charged the jury that 'the law provides that if it [the butter] is brought into the state and it is misbranded here, that is a violation.' And further 'that if this butter came from out of the state and was misbranded, that is a violation of the law and comes within the charge of the third count in this case.' This was a correct statement of the law. Nor was it necessary to prove that the defendants *knew* that the 19 cartons, or any of them, were underweight. See *United States v. Balint*, 258 U. S. 250 (1922); *United States v. Dotterweich*, *supra*.

"The next question is whether, as the appellants contend, the evidence as to the shortweight butter having been in interstate commerce was insufficient to take the case to the jury. We think it was not. As we have already noted, there was no dispute that there was on the Wool premises at the time a substantial amount of Zenith-Godley butter, and that this butter had been in interstate commerce before reaching the premises of the defendant corporation. So, in essence, the question was whether the defendants' underweight butter was Zenith-Godley butter. As to this, we have the following testimony from Inspector Ledder given on his direct examination by Government counsel: 'Q. Inspector Ledder, did you at any time during that day [September 23, 1952] have a conversation with Mr. Wool [the individual defendant] as to the source of the butter? A. I did. I asked Mr. Herbert Wool where the butter that was being printed at the time we were there came from, and he told me that he had purchased it from Zenith Godley Company, in New York, and had received it from Zenith Godley's truck the day before.'

"This testimony was not specifically denied by the defendant Wool when he took the stand, and when there is added to it the testimony of Ledder as to what he observed, and that of Inspector North, although perhaps less persuasive than that of Ledder, we are left with no doubt but that the evidence on this vital issue was ample both to require submission of the case to the jury and to sustain its verdict.

"It is next contended that reversal is required, particularly as to the defendant Herbert Wool, because of the Government's cross-examination of two of the character witnesses offered by Herbert Wool. Three such witnesses were called, Sofoul, Spero, and Ludwig. Sofoul and Ludwig were asked by the prosecuting attorney whether they had heard that the defendants on seven different occasions between October 9, 1946, and September 16, 1952, had paid departmental fines to the New York City Department of Weights and Measures for being in possession of shortweight butter. In some of the questions the Corporation and the individual defendant were coupled together, e. g., 'Q. Did you hear that in [sic] January 24, 1947, the defendant corporation and the person in charge, Herbert Wool, paid a fine to the City of New York for shortweight butter in the amount of \$67?' In others the corporation alone was referred to, e. g., 'Q. Or did you hear that in [sic] May 27, 1948, the defendant corporation paid a departmental fine to the City of New York for shortweight butter, for \$500?' And in others, the defendant Herbert Wool alone was mentioned, e. g., 'Q. Have you heard in the community that on October 9, 1946, Mr. Wool paid a fine to the New York City Department of Weights and Measures of \$275 for being in possession of shortweight butter? Sofoul testified that he had not heard of any such episodes. Ludwig testified that he had heard that the individual defendant had paid such fines on several occasions. No such questions were asked of Spero.

"The primary attack on this cross-examination is that it implied, contrary to the facts, that the defendant Herbert Wool had paid such fines in his *individual* capacity, it being conceded that the *corporation* had paid fines of this character, and that the trial Court should not have allowed the examination to proceed without first inquiring into the facts. The secondary attack is that this cross-examination was permitted with too much specificity.

"As pointed out by Mr. Justice Jackson in *Michelson v. United States*, 335 U. S. 469 (1948), the procedure as to character evidence in criminal cases is in many respects an anomaly in the law of evidence, and courts should be on the alert to see that the practice is not abused. We may also add that it is incumbent on prosecuting attorneys to be scrupulous in not stepping out of bounds on this sort of cross examination. However, in the circumstances of the present case, we are satisfied that the prosecutor's mistake in attributing, at least by implication, to Herbert Wool personally these departmental infractions, and the Court's failure to make a preliminary inquiry as to the facts, can by no stretch be deemed to rise to the level of prejudicial error. There is not the slightest indication that the prosecuting attorney was acting otherwise than in good faith in putting the questions he did. And at most his error was a technical one. The dividing line between Herbert Wool and the Corporation was at best a shadowy one. The Company was a family owned enterprise, Wool and his younger brother each owning 24½% of the stock, and their father, who was inactive, owning 51%. Wool's testimony makes it quite apparent that he was the dominating factor in the enterprise and that he was intimately concerned in its affairs. As to the departmental fines Wool testified: 'Q. You testified that you as an individual never paid certain fines to the City; is that right? A. I don't remember paying them, sir. I may have paid them for the corporation, but not individually. Q. Well, what is your memory on that, as far as the corporation is concerned. A. Well, I remember we paid a fine, a few fines, but that is for the corporation, not individually.' When the character witness Ludwig was asked whether he had heard that Herbert Wool had paid any such fines, he said that he had, and counsel for the defendants did not even think it worthwhile on redirect examination to attempt to get the witness to differentiate between the Corporation and the individual defendant.

"Moreover, at the request of defense counsel, the trial Court instructed the Jury to 'disregard the testimony with reference to certain other fines paid by the company or the defendant personally, the individual defendant. You should not consider that as having any bearing upon the facts in this case.' And again during the defense summation the Court instructed the jury: 'That

testimony was stricken out.' We regard as of no substance the appellants' contention that the Court referred to 'the testimony' rather than the prosecution's questioning as to such fines. Indeed that was the very language in which the defense request was framed. Moreover, the defense had requested merely that 'this testimony' should be disregarded as to the individual defendant, but the Court struck it out for all purposes.

"We find no prejudicial error in the Government's interrogation of the defense character witnesses.

"Nor do we find error in the specificity with which the prosecution's questions as to the departmental fines were put. The questions asked of the witness Ludwig were in the conventional general form. Those put to the witness Sofoul, all of which elicited negative answers, were within the bounds held proper in *Michelson, supra*. Moreover, even under the so-called Illinois Rule, which Michelson declined to follow, the questions to Sofoul would not be improper since they related to infractions similar in nature to those for which the defendants were on trial. See *Michelson supra*, footnote 4 at pages 473-474.

"The remaining points raised by the appellants which relate to their being suspect of having mixed oleomargarine with butter; to the use by some of the Government witnesses of their investigation notes as an aid in testifying; to the proffer of certain affidavits in connection with the testimony of two witnesses who were called on transactions involved in the charges under the first and second Counts of the information, on which the defendants were acquitted; to the examination of Inspector North; and to the prosecution's summation, we deem all too trivial to warrant discussion. The defendants had a fair trial, and in our opinion the jury's verdict could hardly have been otherwise.

"Affirmed."

22311. Butter. (F. D. C. No. 37234. S. Nos. 58-758 L, 65-989 L.)

INFORMATION FILED: 3-18-55, Dist. Nebr., against Fairmont Foods Co., a corporation, Omaha, Nebr.

SHIPPED: 8-6-54, from Nebraska into Illinois.

CHARGE: 402 (a) (3)—contained a decomposed substance by reason of the use of decomposed cream in the manufacture of the article.

PLEA: Nolo contendere.

DISPOSITION: 5-26-55. \$250 fine, plus costs.

CHEESE

22312. Cheddar cheese. (F. D. C. No. 37233. S. No. 88-040 L.)

INDICTMENT RETURNED: 5-3-55, S. Dist. Ill., against Louis Alleman, t/a Aledo Cheese Co., Aledo, Ill.

SHIPPED: 9-17-54, from Illinois to Pennsylvania.

LABEL IN PART: (Carton) "Illinois Cheddar Cheese Made from Pasteurized Milk Approved Plant #581."

CHARGE: 402 (a) (3)—contained insect fragments, manure, and feather fragments, and was prepared from filth-contaminated milk; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-28-55. \$2,500 fine, plus costs.

22313. Cheddar cheese. (F. D. C. No. 36002. S. Nos. 83-367/8 L, 83-866 L.)

QUANTITY: 80 70-lb. boxes and 40 75-lb. cheeses at Monroe, Wis.

SHIPPED: 9-22-53 and 9-25-53, from Cissna Park, Ill., by 'Cissna Park' Cheese Co.

LABEL IN PART: (Box) "Illinois Cheddar Cheese Plant 526."

LIBELED: 12-3-53, W. Dist. Wis.

CHARGE: 402 (a) (3)—when shipped it contained insect fragments and manure fragments and was prepared from filthy milk.

DISPOSITION: On 1-18-54, Cissna Park Cheese Co., claimant, filed an answer denying that the cheese was adulterated as alleged. Interrogatories then were served upon the claimant by the Government and subsequently were answered. Thereafter, the Government filed a motion for a summary judgment on the ground that there was no genuine issue as to any material fact. The court, on 10-4-55, granted the Government's motion and ordered that the article be condemned. The cheese was denatured for use as fish bait.

22314. Washed curd cheese. (F. D. C. No. 37230. S. Nos. 88-285 L, 88-300 L, 88-309 L.)

INFORMATION FILED: 3-22-55, N. Dist. N. Y., against Ontario Cheese Factory Association, an unincorporated association, Smithville, N. Y.

ALLEGED VIOLATION: On 5-22-53, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese shipped by it under the guaranty would not be adulterated or misbranded. Between 6-24-54 and 8-6-54, the defendant caused to be shipped to the holder of the guaranty, at Carthage, N. Y., quantities of washed curd cheese which were adulterated.

CHARGE: 402 (a) (3)—contained manure fragments, cow hairs, insect fragments, and rodent hair fragments, and was prepared from filth-contaminated milk; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-3-55. \$250 fine.

22315. Grated cheese. (F. D. C. No. 37244. S. Nos. 88-103 L, 88-110 L.)

INFORMATION FILED: 2-18-55, E. Dist. Pa., against M. Wildstein & Sons, a partnership, t/a New Yorker Cheese Co., Philadelphia, Pa.

SHIPPED: Between 7-16-54 and 7-30-54, from Pennsylvania to Maryland and Virginia.

LABEL IN PART: (Jar) "New Yorker Grated Cheese Parmesan Style * * * Net Wt. 2 Oz. Packed by New Yorker Cheese Co. Phila., Pa." and "Stuart Crest Brand Parmesan Style Grated Cheese * * * 14 Oz. Net. Distributed by W. M. Gary Grocery Co., Inc. Richmond, Va."

CHARGE: 402 (a) (3)—contained insects and insect parts; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 4-28-55. \$300 fine.

MISCELLANEOUS DAIRY PRODUCTS

22316. Ice cream. (F. D. C. No. 37224. S. No. 63-739 L.)

INFORMATION FILED: 2-7-55, S. Dist. Ill., against Miller-Hygrade Ice Cream Co., a corporation, Quincy, Ill., and Elmer H. Miller, president.

SHIPPED: 9-16-54, from Illinois to Missouri.

LABEL IN PART: (Carton) "One Half Gallon Liquid Miller-Hygrade Bulk Vanilla Ice Cream Bulk."

CHARGE: 402 (a) (3)—contained insect fragments; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-2-55. \$200 fine.

EGGS

22317. Frozen eggs. (F. D. C. No. 36592. S. No. 37-566 L.)

INFORMATION FILED: 6-3-55, W. Dist. Mo., against Samuel Jacob Pollman, t/a Sam Pollman Egg Co., Kansas City, Mo., and Milton Pollman, an employee.

SHIPPED: 11-12-53, from Missouri to New York.

LABEL IN PART: (Can) "Packed By Pollman Egg Co. Kansas City, Mo. Whole Eggs Net Weight 30 Lbs."

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

PLEA: Guilty.

DISPOSITION: 6-3-55. Samuel Jacob Pollman fined \$1,500 and Milton Pollman \$500.

22318. Frozen eggs. (F. D. C. No. 37214. S. Nos. 82-378/9 L.)

INFORMATION FILED: 1-19-55, N. Dist. Ind., against Sherman White & Co., a corporation, Fort Wayne, Ind.

SHIPPED: Between 3-11-54 and 3-14-54, from Indiana to Pennsylvania.

LABEL IN PART: (Can) "30 Lbs. Net Weight S-W Frozen Eggs Blended White & Yolks [or "X Blended White & Yolks"] Packed By Sherman White & Co. Fort Wayne, Ind."

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

PLEA: Nolo contendere.

DISPOSITION: 4-15-55. \$1,000 fine, plus costs.

FEEDS AND GRAINS

22319. Dog food. (F. D. C. No. 35580. S. No. 73-390 L.)

INFORMATION FILED: 10-13-54, S. Dist. Ill., against the Albers Milling Co., a corporation, Peoria, Ill.

SHIPPED: Between 10-1-52 and 1-1-53, from Illinois to Pennsylvania.

LABEL IN PART: (Box) "Net Wt. 2 Pounds Friskies Dog Food Cubes Albers Milling Company A Division of Carnation Company Kansas City, Mo."

CHARGE: 402 (a) (1)—contained when shipped an added poisonous substance, namely, monofluoroacetate, which may have rendered the article injurious to health.

PLEA: Nolo contendere.

DISPOSITION: 1-10-55. \$100 fine, plus costs.

22320. Min-Vita Pre-Mix for poultry. (F. D. C. No. 35610. S. No. 89-516 L.)

INFORMATION FILED: 3-4-55, Dist. Minn., against McConnon & Co., a corporation, Winona, Minn.

SHIPPED: 7-6-54, from Minnesota to Iowa.

LABEL IN PART: (Bag) "50 Pounds Net Wt. When Packed McConnon Double Concentrated Min-Vita Pre-Mix For Poultry Guaranteed Analysis Niacin 320 mg. per pound."

CHARGE: 402 (b) (1)—a valuable constituent, niacin, had been in part omitted from the product when shipped.

PLEA: Guilty.

DISPOSITION: 5-17-55. \$100 fine.

22321. Cottonseed meal. (F. D. C. No. 35832. S. No. 32-849 L.)

INFORMATION FILED: 5-29-54, W. Dist. Tex., against Swift & Co., a corporation, Waco, Tex.

SHIPPED: 10-4-53, from Texas to Kansas.

LABEL IN PART: (Bag) "Swift's 41% Protein Cottonseed Meal."

CHARGE: 403 (a)—the label statement "Guaranteed Analysis Crude Protein not less than 41.00 Per Cent" was false and misleading since the article contained less than 41.00 percent protein when shipped.

PLEA: Guilty.

DISPOSITION: 11-10-54. \$100 fine.

22322. Cottonseed meal. (F. D. C. No. 36986. S. No. 742 L.)

QUANTITY: 79 bags at Wichita, Kans.

SHIPPED: 7-21-54, from Lubbock, Tex., by Plains Cooperative Oil Mill.

LABEL IN PART: (Bag) "100 Pounds (Net) Plainsman Brand 41% Protein Solvent Extracted Cottonseed Meal."

RESULTS OF INVESTIGATION: An examination revealed that the article was short weight.

LIBELED: 10-18-54, Dist. Kans.

CHARGE: 403 (e) (2)—the label of the article failed to bear an accurate statement of the quantity of contents when shipped.

DISPOSITION: 6-22-55. Consent—claimed by Wichita Union Stock Yards Co., Wichita, Kans. Cottonseed meal was added to each bag to correct the shortage in weight.

FISH AND SHELLFISH

22323. Frozen catfish fillets. (F. D. C. No. 36248. S. No. 66-323 L.)

QUANTITY: 243 cases, 10 5-lb. cartons each, at Green Bay, Wis.

SHIPPED: 6-29-53, from New York, N. Y., by Fillets, Inc.

LABEL IN PART: (Carton) "Snow Man Brand Ocean Catfish Fillets Fresh Frozen Ready To Cook."

LIBELED: 12-14-53, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: Fisher Bros. Fisheries, Inc., Green Bay, Wis., claimant, filed an answer denying that the article was adulterated as alleged. Thereafter, the Government and the claimant served interrogatories upon each other which were answered. Subsequently, the claimant withdrew his answer, and, on 9-21-55, the court entered a decree, condemning the article and ordering its destruction.

22324. Oysters. (F. D. C. No. 37540. S. No. 2-399 M.)

QUANTITY: 69 1-pt. cans at Washington, D. C.

SHIPPED: 12-15-54, from Rock Point, Md., by Stephen N. Norris.

LABEL IN PART: (Can) "Oysters DTST Selects Delicious Oysters * * * Md 106."

LIBELED: 12-17-54, Dist. Columbia.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and, 402 (b) (4)—water had been added to the product, when shipped.

DISPOSITION: 12-28-54. The shipper having authorized that the product be given to charity, a decree of condemnation was entered and the product was delivered to a charitable institution.

22325. Oysters. (F. D. C. No. 37494. S. No. 2-381 M.)

QUANTITY: 171 1-pt. cans at Washington, D. C.

SHIPPED: 11-23-54, from Rock Point, Md., by Stephen N. Norris.

LABEL IN PART: (Can) "Oysters Standards Delicious Oysters * * * Md. 106."

LIBELED: 11-24-54, Dist. Columbia.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and, 402 (b) (4)—water had been added to the product, when shipped.

DISPOSITION: 12-1-54. The shipper having authorized that the product be given to charity, a decree of condemnation was entered and the product was delivered to a charitable institution.

22326. Oysters. (F. D. C. No. 37277. S. No. 3-948 L.)

QUANTITY: 464 1-pt. cans at Harlan, Ky.

SHIPPED: 9-27-54, from Oxford, Md., by Oxford Packing Co., Inc.

LIBELED: 10-1-54, E. Dist. Ky.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and, 402 (b) (4)—water had been added to the product, when shipped.

DISPOSITION: 5-6-55. Consent—destruction.

22327. Oysters. (F. D. C. No. 37487. S. No. 2-678 M.)

QUANTITY: 100 12-oz. cans at Altoona, Pa.

SHIPPED: 12-20-54, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LABEL IN PART: (Can) "Oysters Standards Pride of Chesapeake Bay * * * Md 51."

LIBELED: 12-22-54, W. Dist. Pa.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and, 402 (b) (4)—water had been added to the product, when shipped.

DISPOSITION: 12-31-54. The shipper having requested that the product be given to charity, a decree of condemnation was entered and the product was delivered to a charitable institution.

22328. Oysters. (F. D. C. No. 37418. S. No. 17-367 M.)

QUANTITY: 178 12-oz. cans at Butler, Pa.

SHIPPED: 11-8-54, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LABEL IN PART: (Can) "Oysters Standards * * * Pride of Chesapeake Bay Lovely Lady Oysters * * * Md 51."

LIBELED: 11-10-54; libel amended 11-16-54, W. Dist. Pa.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and 402 (b) (4)—water had been added to the product, when shipped.

DISPOSITION: 12-6-54. Default—destruction.

22329. Oysters. (F. D. C. No. 37419. S. No. 17-374 M.)

QUANTITY: 128 12-oz. cans at Evansville, Ind.

SHIPPED: 11-9-54, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LABEL IN PART: (Can) "Oysters Standards * * * Pride of Chesapeake Bay Lovely Lady Oysters * * * Md 51."

LIBELED: 11-12-54, S. Dist. Ind.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and, 402 (b) (4)—water had been added to the product, when shipped.

DISPOSITION: 11-24-54. Default—delivered to charitable institutions for their use.

22330. Oysters. (F. D. C. No. 37406. S. No. 2-367 M.)

QUANTITY: 200 1-pt. cans at Knoxville, Tenn.

SHIPPED: 11-3-54, from Wicomico, Va., by Travis Seafood Co.

LABEL IN PART: (Can) "Oysters Selects * * * Fresh Oysters * * * VA 55."

LIBELED: 11-5-54, E. Dist. Tenn.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and, 402 (b) (4)—water had been added to the product, when shipped.

DISPOSITION: 12-28-54. Default—destruction.

FRUITS AND VEGETABLES

DRIED FRUIT

22331. Raisins. (F. D. C. No. 37630. S. Nos. 13-027/8 M.)

QUANTITY: 249 30-lb. cases at Philadelphia, Pa.

SHIPPED: 10-18-54, from Sanger, Calif., by Tusan Packing Co.

LIBELED: 1-26-55, E. Dist. Pa.

LABEL IN PART: "Tusan Brand * * * Thompson Seedless Raisins."

CHARGE: 402 (a) (3)—contained insects and insect parts; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 4-4-55. Default—destruction.

FRESH FRUIT

22332. Fresh blueberries. (F. D. C. No. 37147. S. Nos. 23-061 M, 23-063 M.)

QUANTITY: 5 crates, 24 1-qt. boxes each, at Boston, Mass.

SHIPPED: 7-14-55, from New Ipswich, N. H., by Leo Somero and Nick Somero.

LIBELED: 7-18-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained maggots when shipped.

DISPOSITION: 8-2-55. Default—destruction.

FROZEN FRUIT

22333. Frozen strawberries. (F. D. C. No. 37223. S. No. 87-388 L.)

INFORMATION FILED: 2-8-55, W. Dist. Wash., against Valley Packers, Inc., Puyallup, Wash., and Cecil F. Johannes, president.

SHIPPED: 7-17-53, from Washington to Louisiana.

LABEL IN PART: (Can) "Whole Marshall Strawberries * * * Net Wt. 30 Lbs."

CHARGE: 402 (a) (3)—contained decomposed strawberry material when shipped.

PLEA: Nolo contendere.

DISPOSITION: 5-12-55. Corporation and individual each fined \$150.

VEGETABLES*

22334. Canned dried black-eyed peas. (F. D. C. No. 31525. S. No. 13-435 L.)

QUANTITY: 149 cases, 24 1-lb., 4-oz. cans each, at Denver, Colo.

SHIPPED: 8-7-51, from Phoenix, Ariz., by Arizona Canning Co.

LABEL IN PART: (Can) "Silver Brand * * * Dried Black Eyed Peas."

LIBELED: 9-13-51, Dist. Colo.

CHARGE: 402 (b) (2)—brine was substituted in part for black-eyed peas when shipped.

DISPOSITION: On 3-4-52, Arizona Canning Co., claimant, filed an answer denying the adulteration of the article as alleged in the libel. Subsequently, interrogatories were propounded to the claimant, which were answered, and the case came to trial before the court without a jury on 5-4-53. On 7-14-53, the court handed down the following findings of fact and conclusions of law:

KNOUS, District Judge:

FINDINGS OF FACT

I

"On or about August 7, 1951, the Arizona Canning Company, Phoenix, Arizona, shipped from Arizona to Denver, Colorado, an article of food consisting of 149 cases, more or less, of canned dried black eyed peas, part of

*See also Nos. 22336, 22337, 22346, 22350.

which cases consisted of cans coded AH2B and part of which cases consisted of cans coded AH7B.

II

"On September 13, 1951, the United States of America filed a libel of information charging that the article of food involved was adulterated within the meaning of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. 342 (b) (2), in that brine had been substituted in part for black eyed peas.

III

"On September 17, 1951, the United States Marshal of this district seized the article of food pursuant to a monition issued by this Court, which article is now stored in the warehouse of Bankers Warehouse Company at 2145 Blake Street, Denver, Colorado.

IV

"The Arizona Canning Company, Phoenix, Arizona, on or about March 4, 1952, filed herein a claim of ownership to the seized article and an answer to the libel, wherein it denied the allegation of adulteration.

V

"The article involved was processed by the Arizona Canning Company at its canning plant in Phoenix, Arizona, on August 2 and August 7, 1951.

VI

"The cans processed on August 2, 1951, were coded AH2B and those processed on August 7, 1951, were coded AH7B.

VII

"The dried black eyed peas were processed by soaking in water for a period of approximately eight hours, mechanically packing the peas into No. 2 cans, adding packing medium to fill the cans, sealing the cans, and cooking the cans in a retort to prevent spoilage.

VIII

"Each batch of packing medium consisted of a mixture of 128 gallons of water, 18 pounds of salt, and 12½ ounces of garlic salt, differing from ordinary brine only in the addition of the garlic salt.

IX

"No standard of fill of container for canned soaked dried black eyed peas has been promulgated under the authority of 21 U. S. C. 341.

X

"The cans coded AH2B which constituted part of the seized shipment were inadequately filled with soaked dried black eyed peas and space which should have been filled with peas was filled with packing medium.

XI

"The cans coded AH7B which constituted the other part of the seized shipment were adequately filled with soaked dried black eyed peas.

XII

"Qualified chemists of the Food and Drug Administration, Department of Health, Education and Welfare, examined a number of cans from samples collected from the seized article and determined: 1) the head space from the top of the can to the level of the peas; 2) the weight of the peas after draining the packing medium, and 3) the proportion of the volume of the can occupied by the peas.

XIII

"The average head space of the cans examined of code AH2B was $1\frac{3}{16}$ inches; the average drained weight of the peas contained therein was 12.39 ounces.

XIV

"The average head space of the cans of code AH7B so examined was $1\frac{5.2}{16}$ inches and the average drained weight of the peas contained therein was 14.37 ounces.

XV

"Cans of soaked, dried black eyed peas processed by other packers which were opened in the Court room and examined at the trial disclosed appreciably less head space, greater drained weight, and a higher percentage of space occupied by peas than did the claimant's cans coded AH2B herein.

XVI

"On the other hand, the head spaces, drained weights and percentage of spaces occupied by peas in claimant's cans coded AH7B compared favorably with the packs of black eyed peas contained in the opened cans of other processors as well as with other 1952 and 1953 packs processed by claimant, disclosing that cans coded AH7B were filled adequately and that the Arizona Canning Company was capable of properly filling No. 2 cans with soaked dried black eyed peas.

CONCLUSIONS OF LAW

I

"The article of food involved was shipped in interstate commerce within the meaning of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. 321 (b) and is now within the jurisdiction of this Court.

II

"Where no specific standard for fill of container exists for a food, the test to be applied is that fill of container which can be achieved by the use of proper and feasible commercial practices.

III

"Cans of food should be as full of the principal food ingredient as practicable without injuring the quality or appearance of the food.

IV

"The amount of packing medium used in a canned food for which no specific standard of fill of container has been established should not exceed the amount necessary for properly processing and preserving such food.

V

"The article of food in cans coded AH2B is adulterated within the meaning of 21 U. S. C. 342 (b) (2) in that brine has been substituted in part for black eyed peas in code AH2B. The article of food in cans coded AH7B is not adulterated within the meaning of 21 U. S. C. 342 (b) (2).

VI

"The United States of America is entitled to a decree condemning the article of food in cans coded AH2B, it having been established by a preponderance of the evidence in open court that the food is adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act.

"The claimant is entitled to a decree releasing to it the article of food in cans coded AH7B."

In accordance with the findings of fact and conclusions of law, a decree was entered on 7-14-53, releasing those cans coded AH7B to the claimant, condemning those cans coded AH2B, and ordering that the condemned cans be delivered to a Federal institution.

Thereafter, both the plaintiff and the claimant filed motions to retax the costs, and on 8-28-53, the court handed down the following memorandum opinion and order:

KNOUS, *District Judge*:

MEMORANDUM OPINION AND ORDER

"Both the plaintiff and the claimant have filed motions to retax the costs.

"The claimant, citing the case of *United States v. 1590 Cases of Tomato Pulp*, 255 Fed. 228 (Jan. 23, 1919), contends that no costs whatsoever properly may be assessed against it. At the time the foregoing decision was rendered no statute expressly relating to costs and fees in condemnation proceedings under the Food and Drugs Act was in existence. However, in enacting the new federal Food, Drug, and Cosmetic Act (June 25, 1938) the Congress provided by Title 21, U. S. C. § 334 (e) that 'When a decree of condemnation is entered against the article, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.' This provision, in the view of the Court, clearly requires the taxing of lawful costs against an unsuccessful intervening claimant in a condemnation proceeding under the present act. Thus, there can be no doubt concerning the propriety of taxing the fees of the Clerk, \$15.00, and docket fee under Title 28 U. S. C. § 1923, \$20.00, as costs against claimant. The witness fee of \$4.00 claimed for C. I. Ruble, likewise is clearly allowable.

"However, the plaintiff in addition claims as allowable costs witness fees amounting to \$210.49 for Rodney D. Lovejoy of Washington, D. C., a government employee, and \$124.17 for O. Curran of Siloam Springs Arkansas. The fees for Mr. Lovejoy as computed by plaintiff under Title 28 U. S. C. § 1823 (a) include round trip transportation charges from Washington, D. C., to Denver (\$164.74) plus four and three-quarters days' subsistence at \$9.00 per day (\$42.75).

"The fees claimed for Mr. Curran, computed under Title 28 U. S. C. § 1821, include mileage (180) at seven cents per mile, from Siloam Springs, Arkansas, to Tulsa, Oklahoma (\$12.60), plus taxi fares (\$2.00) and the round trip air fare from Tulsa, Oklahoma, to Denver (\$82.57). Attendance fees (\$4.00 per day) and subsistence allowance (\$5.00 per day) also are claimed for three days, amounting to \$27.00 in all.

"Claimant contends that in view of 45 (e) F. R. C. P., witnesses' mileage and transportation may not be taxed for any distance in excess of one hundred miles from Denver. The plaintiff, on the other hand, asserts that its computation is warranted by Title 28 U. S. C. § 337, which provides that in proceedings under the Food, Drug, and Cosmetic Act subpoenas 'may run into any other district.' Although the latter statute was not involved, the decision of *Barnhart v. Jones*, 9 F. R. D. 423, in which many cases involving this question are cited (see also *Deal v. United States*, 274 U. S. 227) by analogy supports the contention of claimant. Therefore, the mileage fees and/or transportation charges taxable as costs for the witnesses Lovejoy and Curran should be limited to one hundred miles from Denver. In addition, the subsistence allowances for Mr. Lovejoy and the subsistence allowance and attendance fees for Mr. Curran should be limited to the trial period of two days. So computed, such items shall be taxed as costs.

"As submitted by plaintiff, the Marshal's bill of costs includes fees (\$4.90), mileage (\$20.40) and publication (\$10.53), making a total of \$35.83. Such patently are taxable as costs against claimant. In addition, there is included \$55.79 for storage and drayage of the seized canned goods. Since at the trial it was adjudged that a portion of the seized items designated by Code AH7B were not in violation, the Court is of the opinion that storage and drayage charges as to Code AH7B items should not be taxed or allowed as costs. Hence the storage charges thereon amounting to \$15.68 and drayage amounting to \$2.40, according to the Marshal's statement, should be deducted from total

storage and drayage charges of \$55.79 so submitted, leaving \$37.71 properly taxable therefor. So computed, the total Marshal's bill of costs will be taxed at \$53.54.

"IT IS ORDERED that the following costs be taxed and included in the judgment to be recovered from the claimant as follows:

Fees of Clerk.....	\$15. 00
Fees of Marshal:	
Fees	\$4. 90
Mileage 40
Publication	10. 53
Storage AH2B.....	32. 41
Drayage AH2B.....	5. 30
	53. 54
Witness Fees:	
Lovejoy—	
Fee—2 Days at \$4.00.....	8. 00
Subsistence, 2 days at \$5.00.....	10. 00
Mileage, 100 miles each way at 7¢.....	14. 00
Curran—	
Fee—2 days at \$4.00.....	8. 00
Subsistence, 2 days at \$5.00.....	10. 00
Mileage, 100 miles each way at 7¢.....	14. 00
Ruble	4. 00
Attorney Docket Fees.....	20. 00
Total	156. 54"

On 10-26-53, the Government filed a Notice of Appeal to the United States Court of Appeals for the Tenth Circuit. On 4-23-54, the court of appeals handed down the following opinion, vacating the judgment of the trial court as to costs and remanding the case:

MURRAH, *Circuit Judge*: "In a libel proceeding brought under the Federal Food, Drug, and Cosmetic Act (§ 304 (a), 52 Stat. 1044), the court gave judgment for the government with costs, but limited the allowance for travel of two government witnesses to 100 miles from the place of trial at Denver, Colorado. In so doing, the court followed what it deemed the mandate of Rule 45 (e) (1), Federal Rules of Civil Procedure, which authorizes the subpoena of a witness at a hearing or trial 'any place within the district, or at any place without the district that is within 100 miles of the place of the hearing or trial specified in the subpoena; and when a statute of the United States provides therefor, the court upon proper application and cause shown may authorize the service of a subpoena at any other place.'

"The government has appealed only from that part of the order limiting the assessment of mileage costs and consequent per diem to 100 miles from the place of trial, contending that the power to subpoena and to assess costs therefor is controlled by § 307 (52 Stat. 1046) of the Federal Food, Drug and Cosmetic Act providing that, ' . . . Notwithstanding the provisions of section 876 of the Revised Statutes (superseded in 1948 by Rule 45 (e) (1)), subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.'

"Following the analogous reasoning of *Barnhart v. Jones*, 9 F. R. D. 423, the court took the view that the power to assess mileage costs was commensurate with the power to subpoena, but apparently rejected as inapplicable to the contingent subpoena powers under Rule 45 (e) (1), the unlimited subpoena powers granted under § 307 in a proceeding of this kind.

"The appellee seems to contend that since under § 304 (b) of the Federal Food, Drug and Cosmetic Act, 52 Stat. 1044, procedure for seizure pursuant to libel in cases of this kind must 'conform, as nearly as may be, to the procedure in admiralty,' and since admiralty Rule 47 limits the assessment of costs for subpoenaed witnesses to 100 miles from the place of trial, the trial court's judgment is correct and should be affirmed. But, even though discretion to subpoena witnesses and assess costs in excess of 100 miles lies under 45 (e) (1), when construed in connection with § 307, the court's judgment is said to be

correct because within the allowable discretion; and for the further reason that the power to tax costs rests largely in the discretion of the trial court. See *Spiritwood Grain Co. v. Northern Pac. Ry. Co.*, 8 Cir., 179 F. 2d 338; *Levine v. Berman*, 7 Cir., 178 F. 2d 440; *Chicago Sugar Co. v. American Sugar Refining Co.*, 7 Cir., 176 F. 2d 1, cert. den. 338 U. S. 948; *T. & M. Transp. Co. v. S. W. Shattuck Chem. Co.*, 10 Cir., 158 F. 2d 909; *Globe Indemnity Co. v. Puget Sound Co.*, 2 Cir., 154 F. 2d 249; *Brunswick-Balke-Collender Co. v. American Bowling & Billiard Corp.*, 2 Cir., 150 F. 2d 69; *Crutcher v. Joyce*, 10 Cir., 146 F. 2d 518; *Harris v. Twentieth Century-Fox Film Corp.*, 2 Cir., 139 F. 2d 571.

"The appealability of the judgment for costs is also challenged, but the general rule against appealability is inapplicable when the power of the court to assess the costs is at issue. See *Newton v. Consolidated Gas Co.*, 265 U. S. 78, 83.

"If the trial procedure in a case of this kind must conform to the 'procedure in admiralty,' then admiralty Rule 47 is applicable and the subpoena power of the court is limited to 100 miles from the place of trial, and the trial court's judgment must be affirmed for that reason. But admiralty rules are not applicable in cases of this kind 'beyond the seizure of the property by process in rem.' After seizure pursuant to libel, the proceedings take on the character of a law action. 443 Cans of Egg Product v. United States, 226 U. S. 172; *United States v. 935 Cases Tomato Puree*, 136 F. 2d 523, cert. den. 320 U. S. 778.

"If § 307 of the Act is specifically and exclusively applicable to the trial proceedings in a case of this kind, the question then arises whether the use of the word 'may' authorizes the court to exercise discretion in the allowance of mileage fees to witnesses subpoenaed from 'any other district.' In the very nature of things, any doubt concerning the discretion of the court to assess costs incident to the trial should be resolved in favor of the discretion. But in the view we take of this case, it is unnecessary to resolve that point, for we are convinced that § 307 of the Act should be construed in pari materia with Rule 45 (e) (1). As thus construed, the court was empowered, upon proper application and cause shown, to authorize the service of the subpoenas to any district, and since the power to assess costs is inherent in the power to subpoena, see *Barnhart v. Jones*, supra, the court was empowered to assess the costs in this case as an incident to the issuance of the subpoenas.

"The words, '. . . Notwithstanding the provisions of section 876 of the Revised Statutes (now 45 (e) (1),' contained in § 307 may be susceptible of an intention to exclude 45 (e) (1) from a proceedings of this kind. Indeed, the advisory committee which carried forward section 876 into 45 (e) (1) did not include § 307 as one of the statutes contemplated by the contingent provisions of 45 (e) (1). At the same time, the words, 'when a statute of the United States provides therefor' found in Rule 45 (e) (1) indicate no purpose to exclude § 307, and we can see no good reason for reading it out when to construe the rule in pari materia with § 307 would facilitate the administration of justice by leaving the power to subpoena witnesses and assess costs in proceedings of this kind in the discretion of the trial court where it rightfully belongs.

"No application was made and no cause shown for the issuance of the subpoenas to any other district as provided by the rule. Indeed the record does not show whether a subpoena was in fact issued for the two witnesses, mileage for which is in controversy. But even so, we do not regard such an application and showing prerequisite to the exercise of the court's power under the rule. The court is not powerless at this stage of the proceedings to consider whether the attendance of the two witnesses, one from Washington, D. C., and the other from Siloam Springs, Arkansas, was needful to the establishment of the government's case. That is a matter which the trial court ought to determine in the first instance upon a consideration of the pertinent facts; and it is a matter which the trial court has not considered, feeling itself bound by the limitations of the rule.

"The trial court, not having exercised the discretion committed to it, the judgment is vacated and the case remanded to permit it to do so."

On 9-23-54, the United States district court handed down an order retaxing the costs, allowing the mileage claimed for Witness Curran and disallowing the mileage claimed for Witness Lovejoy for the reason that he was not a necessary witness.

TOMATOES AND TOMATO PRODUCTS

22335. Canned tomatoes (3 seizure actions). (F. D. C. Nos. 32448, 32460, 32614. S. Nos. 6-012 L, 6-366 L, 7-885 L.)

QUANTITY: 2,256 cases, 24 1-lb., 3-oz. cans each, at Somerville, Mass., and Pittsburgh, Pa.

SHIPPED: Between 10-26-51 and 12-21-51, from New Palestine, Ind., by New Palestine Canning Co.

LABEL IN PART: (Can) "Yacht Club Tomatoes."

LIBELED: 1-25-52, Dist. Mass. (2 libels) ; 1-21-52, W. Dist. Pa. Libels amended 6-24-52.

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: Pursuant to a stipulation between the New Palestine Canning Co., claimant, and the Government, an order was entered by the United States District Court for the Western District of Pennsylvania on 4-25-52, directing that the 3 libel actions be consolidated and removed for trial to the United States District Court for the Northern District of Indiana. Thereafter on 6-24-52, the libels were amended upon the motion of the Government to include the charge of adulteration within the meaning of 402 (a) (4). Subsequently, interrogatories served upon the Government by the claimant were answered.

On 7-23-52, the claimant filed exceptions to the libels on the ground that they were insufficient in that they failed to allege that the products seized were adulterated to the point of being unfit for human consumption. Thereafter, a request for admissions was served upon the claimant by the Government and was answered. On 12-31-52, the Government filed a motion for summary judgment on the ground that no genuine issue of material fact existed. The court, after consideration of briefs and argument, granted the Government's motion on 6-30-53.

On 7-31-53, the claimant served the Government with a notice of appeal. The United States Court of Appeals for the Seventh Circuit, on 3-12-54, reversed the judgment of the lower court and remanded the cause for further proceedings, handing down the following opinion:

SCHNACKENBERG, *Circuit Judge*: "This action is based upon a libel in rem filed by the plaintiff to condemn canned tomatoes produced by the claimant, Virgil Etchison, for alleged violation of the United States Food, Drug and Cosmetic act. From a summary judgment for plaintiff, claimant appeals to this court.

"The libel, filed June 10, 1952, as amended, alleges that the canned tomatoes were shipped in interstate commerce from New Palestine, Indiana, on or about November 19, 1951; that said article of food was adulterated in interstate commerce, within the meaning of said act (21 U. S. C. 342 (a) (3)), in that it consisted wholly or in part of a filthy substance by reason of the presence therein of fly eggs and maggots and of decomposed tomato material and within the meaning of 21 U. S. C. 342 (a) (4), in that it was prepared under insanitary conditions whereby it may have become contaminated with filth. The libel asks for a decree of condemnation.

"Plaintiff's motion for summary judgment alleges that all questions herein were adjudicated in favor of libelant and against claimant in civil action No. 2929 in the United States District Court for the Southern District of Indiana, Indianapolis Division; that the charges of adulteration made in the instant case are the same as those alleged and tried in case No. 2929; that, in response to requests for admission filed herein, the claimant has admitted that the

canned tomatoes involved in this case were processed at the New Palestine plant during the 1951 canning season; that the canned tomatoes involved in this case bear the same code numbers as did the canned tomatoes found to be adulterated by the court in No. 2929; that the judgment in No. 2929 was entered after a full trial on the merits and constitutes an estoppel by judgment against the claimant as to the issue of adulteration of the tomatoes under seizure in the instant case.

"The motion was supported by certified copies of the pleadings, findings of fact, conclusions of law, and memorandum judgment of the court in No. 2929 and the affidavit of the chief of the Cincinnati district of the Food and Drug Administration.

"Among the findings of fact in No. 2929 were the following: the unsorted stock of tomatoes used by claimant in his 1951 canning operations contained large numbers of decomposed and partly decomposed tomatoes and was infested with flies, fly eggs, and larvae; claimant, by failing to take proper sanitary precautions, etc., permitted the plant to become infested with scavenger flies; the operations in the plant in 1951 were not adequate to remove all eggs and larvae from the tomatoes, and much decomposed tomato material went into the tomato juice; representative samples were taken by the government from the stock of canned tomatoes and tomato juice packed by claimant in 1951, examinations of which disclosed they contained fly eggs and larvae and mold.

"From the foregoing facts, the court concluded that a permanent injunction should be granted restraining the claimant from introducing into interstate commerce canned tomato products 'heretofore packed' at the New Palestine plant 'which are adulterated,' within the meaning of said act. An order for a permanent injunction was entered accordingly.

"Claimant's answer to the motion for summary judgment alleges that there is one issue only raised by said motion, to wit: whether the injunction in No. 2929 directly adjudicated the question at issue here. The answer contends that the goods in issue here were shipped before the injunction proceedings started and, therefore, they were not a party to that case; that the fact that the code numbers on the cans remained the same does not indicate that the goods involved here were a part of the same goods involved in No. 2929, because the code numbers were not changed from day to day and there is no evidence that the goods were packed at the same time as the goods involved in the injunction. Furthermore, the answer asks the court to take judicial notice that packing conditions change from time to time during the canning season and the conditions shown at one time may not be the same as the conditions at another time when the goods in this case were packed.

"With said answer is the affidavit of claimant alleging that the code numbers do not represent the pack of any particular day during the canning season and that the code number was not changed from day to day but was continued for many days' pack; that during the canning season beginning in August and ending in October packing conditions changed from day to day both by weather changes and also the rate at which the tomatoes ripened, and that as a result the factory condition on any particular day does not indicate the same condition existed at other times; that the goods seized in this case were shipped before case No. 2929 was filed and that their condition does not necessarily correspond with the condition of the goods which were the subject matter of the injunction suit nor does the condition in the factory when the goods seized were packed correspond to those on the day about which the government inspectors testified in case No. 2929.

"In this court the plaintiff contends that the motion for summary judgment and its supporting affidavits and records, together with the claimant's answer, and its supporting affidavit, clearly show that the prior injunction judgment is res judicata in this case. Claimant contends that no case for summary judgment has been presented.

"Rule 56 (a) of the Rules of Civil Procedure for the United States District Courts provides that 'A party seeking to recover upon a claim, * * * may, * * * move * * * for a summary judgment in his favor * * *.'

"Under Rule 56 both parties may file affidavits.

"Rule 56 (c) provides that 'judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.'

"Factual issues are not to be tried or resolved by summary judgment procedure. Once it is determined that there exists a genuine and material factual issue, summary judgment may not be granted. In making this determination doubts (of course the doubts are not fanciful) are to be resolved against the granting of summary judgment. If a conflict appears as to a material fact the summary procedure does not apply unless the evidence on one or the other hand is too incredible to be accepted by reasonable minds or is without legal probative force even if true. *Dewey v. Clark*, 180 Fed. 2d 766, at 772.

"From the record before us it is clear that on the motion for summary judgment in this case there is a genuine and material factual issue to be determined. That question is, Were the seized goods adulterated within the meaning of the sections of the Food, Drug, and Cosmetic act relied on by plaintiff (21 U. S. C. 342 (a) (3 and 4)) ? This question was not before the court in case No. 2929 and therefore that court did not and could not have decided it. Hence the trial court was in error in sustaining that motion and entering judgment thereon.

"For the reasons hereinbefore indicated, the judgment is reversed and the cause remanded for further proceedings consistent with this opinion."

Subsequently, the Government filed a petition for rehearing, which was denied on 4-9-54. On 12-14-54, the district court overruled the claimant's exceptions to the libels. On 1-10-55, the claimant filed an answer denying that the article was adulterated as alleged. Thereafter, the claimant consented to the entry of a decree, and on 2-4-55, the court entered a decree condemning the goods and ordering that they be destroyed or fed to animals.

22336. Canned tomatoes, corn, and okra, canned succotash, canned green beans, canned lima beans, and canned tomatoes. (F. D. C. No. 37252. S. Nos. 77-114/7 L, 80-682 L.)

INFORMATION FILED: 2-3-55, Dist. Del., against Torsch Canning Co., a corporation, Milford, Del.

SHIPPED: Between 7-27-54 and 8-12-54, from Delaware to Pennsylvania.

LABEL IN PART: (Can) "Red River Brand Tomatoes Corn & Okra [or "Royal Clover Brand Succotash." "Town Crier French Style Sliced Green Beans," "Richville Brand Lima Beans," or "Cardinal Brand Tomatoes"] * * * Distributed by Delaware Valley Grocery Co. Philadelphia, Pa."

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

PLEA: Nolo contendere.

DISPOSITION: 4-27-55. \$1,000 fine.

22337. Canned tomatoes, corn, and okra, canned succotash, canned green beans, and canned lima beans. (F. D. C. No. 37065. S. Nos. 77-114/7 L.)

QUANTITY: 19 cases, 24 1-lb. cans each, of tomatoes, corn, and okra; 139 cases, 24 1-lb., 1-oz. cans each, of succotash; 39 cases, 24 15½-oz. cans each, of sliced green beans; and 227 cases, 24 No. 303 cans each, and 8 cases, 24 No. 2 cans each, of lima beans at Philadelphia, Pa.

SHIPPED: 8-6-54, from Milford, Del., by Torsch Canning Co.

LABEL IN PART: (Can) Red River Brand Tomatoes Corn & Okra," "Royal Clover Brand Succotash," "Town Crier French Style Sliced Green Beans," or "Richville Brand Lima Beans."

LIBELED: 9-22-54, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 10-20-54. Default. Portion of products delivered to Department of Health, Education, and Welfare, and remainder destroyed.

22338. Tomato puree (3 seizure actions). (F. D. C. Nos. 37315, 37319, 37320. S. Nos. 67-468 L, 68-376 L.)

QUANTITY: 120 cases at Alexandria, Monroe, and Opelousas, La. Each case contained 100 4¾-oz. cans.

SHIPPED: 2-18-54, from Donna, Tex., by Knapp-Sherrill Co., to New Iberia, La., and from there to Alexandria, Monroe, and Opelousas, La.

LABEL IN PART: (Can) "Texas Magic Tomato Puree."

LIBELED: 10-28-54, W. Dist. La.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped; and, 403 (g) (1)—contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard of identity for canned tomato puree.

DISPOSITION: 1-4-55, 1-12-55, and 2-9-55. Default—delivered to a public institution, for use as animal feed.

NUTS

22339. Unshelled pecans. (F. D. C. No. 35619. S. No. 66-428 L.)

INFORMATION FILED: 4-22-55, W. Dist. Tenn., against Jake B. Iskiwitz, Israel Iskiwitz, and Leonard Iskiwitz, doing business as H. Iskiwitz & Co., a partnership, Memphis, Tenn.

SHIPPED: 2-8-54, from Tennessee to Illinois.

CHARGE: 402 (a) (3)—contained moldy and rancid pecans and pecans having an objectionable burned taste when shipped.

PLEA: Guilty.

DISPOSITION: 5-20-55. \$500 fine against the partnership.

22340. Pecan meats. (F. D. C. No. 36445. S. No. 79-508 L.)

QUANTITY: 66 30-lb. cartons at Cleveland, Ohio.

SHIPPED: 1-9-54, from Cairo, Ga., by Sam A. Pierce, Inc.

LIBELED: 3-11-54; amended 3-24-54, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained *E. coli*; and, 42 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 4-15-54; amended 8-12-55. Consent—claimed by Sam A. Pierce, Inc. Segregated, 195 lbs. destroyed.

OILS AND FATS

22341. Crude cottonseed oil and crude peanut oil. (Inj. No. 289.)

COMPLAINT FOR INJUNCTION FILED: 5-3-55, M. Dist. Ga., against Camilla Cotton Oil Co., a corporation, Camilla, Ga., and George M. Perry, president and treasurer, and T. B. Twitty, vice president and secretary.

CHARGE: The complaint alleged that the defendants were engaged in the manufacture, preparation, and distribution of crude cottonseed oil and crude peanut oil, and had been and were, at the time of filing of the complaint, introducing and causing to be introduced into interstate commerce such articles, which were adulterated within the meaning of 402 (a) (3) and (4) by reason of the

presence of rodent and insect filth in the articles, and of the use in the manufacture of the articles of raw materials contaminated with human excreta and rodent and insect filth, and by reason of the preparation and holding of the articles at the defendants' plant under insanitary conditions.

It was alleged further that the insanitary conditions resulted from the presence of tribolium type insects and live and dead roaches throughout the warehouse where the cottonseeds and peanuts used in the manufacture of the articles were stored; from human excreta on the cottonseeds in the storage bins in such warehouse; from live and dead roaches and numerous rodent holes, one of which contained a dead rat, in the ventilating tunnels of such warehouse; and from human excreta and a live mouse in one of the ventilating tunnels, and tribolium insects, beetles, flour moths, and roaches in and around the equipment and rooms in the plant used for manufacturing and preparing the articles; that the insanitary conditions resulted also from inadequate and filthy toilet facilities and general carelessness; that the refining process of the expressed oil obtained from cottonseeds and peanuts was such that the oil-soluble portions of the insect and excreta filth remained in the crude cottonseed oil and the crude peanut oil; and that the defendants had on hand in the plant quantities of cottonseeds which were contaminated with filth and which were held under insanitary conditions, and quantities of crude cottonseed oil which consisted in part of filthy substances and which were prepared under insanitary conditions, both of which constituted a menace to interstate commerce.

The complaint alleged further that the defendants were well aware that their activities were in violation of the law; that various inspections were made by the Food and Drug Administration; that a Notice of Hearing pursuant to Section 305 had been issued to the defendants in 1952; and that despite such warnings, the defendants failed to correct the insanitary conditions in the plant and continued to introduce into interstate commerce crude cottonseed oil and crude peanut oil adulterated as described above.

DISPOSITION: 6-6-55. The defendants having consented to the entry of a decree, an injunction was entered perpetually enjoining and restraining the defendants from introducing and causing to be introduced and delivering and causing to be delivered, for introduction into interstate commerce, crude cottonseed oil and crude peanut oil, or any other such articles adulterated within the meaning of 402 (a) (3) and (4), and any of the stock of adulterated crude cottonseed oil and cottonseeds on hand in defendants' plant at Camilla, Ga.

22342. Pecan oil. (Inj. No. 266.)

COMPLAINT FOR INJUNCTION FILED: 7-8-54, N. Dist. Tex., against three corporations, namely, Planters Cotton Oil Co., Weatherford Oil Refining & Distributing Co., and J. R. Fleming & Co., Inc., of Weatherford, Tex., and against James R. Fleming, president of the corporations.

CHARGE: The complaint alleged that the defendants were engaged in the business of manufacturing, preparing, and distributing pecan oil, and had been and were, at the time of filing of the complaint, causing the introduction and the delivery for introduction into interstate commerce of pecan oil, which was adulterated under 402 (a) (3) in that it consisted in part of filthy substances.

The complaint alleged further that the pecan oil was manufactured from material which consisted of pecan meats, pecan shells, curculio larva, coleoptera insects, floor sweepings, broom straws, cigarette butts, pieces of paper, and

burnt matches, and that examination disclosed that the pecan oil contained a mixture of pecan oil, curculio larva oil and oil soluble extractives from insects, cigarette butts, and other extraneous material.

The complaint alleged also that the defendants had in their possession a quantity of adulterated pecan oil which would, in the usual and ordinary course of business, be shipped in interstate commerce. The complaint alleged further, on information and belief, that the defendants would continue to introduce and cause to be introduced and deliver and cause to be delivered into interstate commerce adulterated pecan oil unless restrained by the court.

The article was alleged also to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4592.

DISPOSITION: On 7-8-54, the court entered a temporary restraining order enjoining the defendants from introducing or causing to be introduced, and delivering or causing to be delivered, for introduction into interstate commerce, pecan oil adulterated as alleged in the complaint. On the same date, an order was entered directing the defendants to show cause why a preliminary injunction should not issue. On 7-16-54, with the consent of the defendants, a preliminary injunction was issued pending a hearing on the merits.

On 11-18-54, the defendants having consented to the entry of a decree, the court entered a decree perpetually enjoining and restraining the defendants from directly, or indirectly, introducing or causing to be introduced, or delivering or causing to be delivered, for introduction into interstate commerce, pecan oil, or any other such article, which was adulterated as alleged in the complaint. The decree provided further that the defendants be perpetually enjoined and restrained from directly, or indirectly, introducing or causing to be introduced, and delivering or causing to be delivered, into interstate commerce, any stock on hand of pecan oil adulterated within the meaning of 402 (a) (3) and 501 (a) (1).

POULTRY

22343. Dressed poultry. (F. D. C. No. 37209. S. No. 84-799 L.)

INFORMATION FILED: 1-31-55, Dist. N. J., against Kessler Bros., Inc., Farmingdale, N. J., Felix Kessler, vice president and treasurer, and John Kessler, president.

SHIPPED: 5-26-54, from New Jersey to Pennsylvania.

CHARGE: 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 5-2-55. Corporation fined \$250; individuals placed on probation for 1 year.

22344. Dressed poultry. (F. D. C. No. 35614. S. Nos. 84-803/4 L.)

INFORMATION FILED: 3-29-55, E. Dist. Pa., against Quaker City Poultry Sales Corp., Philadelphia, Pa., and Nat J. Polin, president.

SHIPPED: Between 7-28-54 and 7-30-54, from Pennsylvania to New Jersey.

CHARGE: 402 (a) (3)—contained poultry contaminated with fecal matter and extensively bruised poultry; and, 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 6-2-55. Corporation fined \$250; individual fined \$35.

SPICES, FLAVORS, AND SEASONING MATERIALS**22345. Imitation vanilla flavor.** (Inj. No. 286.)

COMPLAINT FOR INJUNCTION FILED: 3-28-55, Dist. Colo., against Rodelle Laboratories, Inc., Denver, Colo.

CHARGE: The complaint alleged that the defendant was engaged in the business of manufacturing and distributing imitation vanilla flavor, and had been and was, at the time of filing of the complaint, causing the introduction and the delivery for introduction into interstate commerce of imitation vanilla flavor, which was adulterated within the meaning of 402 (a) (2) in that it contained coumarin, an added poisonous and deleterious substance, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

The complaint alleged further that, during the period from 11-23-54 to 12-1-54, inspections were made of the defendant's factory from which it was ascertained that the firm had on hand over 2 years' supply of imitation vanilla flavor containing coumarin and that the firm was distributing and would continue to distribute such article in interstate commerce.

DISPOSITION: 4-15-55. The defendant having consented, the court entered a decree perpetually enjoining and restraining the defendant from directly, or indirectly, introducing or causing to be introduced, or delivering or causing to be delivered, for introduction into interstate commerce, imitation vanilla flavor containing coumarin, or any other article of food containing coumarin, which is adulterated within the meaning of 402 (a) (2), as alleged in the complaint.

22346. Pepper salad and salad olives. (F. D. C. No. 35833. S. Nos. 7-830 L, 55-972 L, 82-437 L, 82-651 L.)

INFORMATION FILED: 7-23-54, W. Dist. Pa., against Deluxe Products Co., a partnership, McKees Rocks, Pa., and Joseph Benestelli, a partner.

SHIPPED: Between 8-6-53 and 11-12-53, from Pennsylvania to Ohio and New York.

LABEL IN PART: (Btl.) "Deluxe Delicious Pepper Salad [or "Meal Joy Pepper Salad"] * * * Deluxe Products Co. McKees Rocks, Pa."; (jar) "York Brand Salad Olives * * * Packed By Manhattan Packing Co. Pittsburgh, Pa."

CHARGE: 402 (a) (3)—the pepper salad contained insects, insect fragments, and rodent hair fragments, and the salad olives contained wormy olives, when shipped; and, 402 (a) (4)—the pepper salad was prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-19-54. The partnership was fined \$600, plus half the costs; the individual was fined \$600, plus half the costs, given a suspended prison sentence of 1 year, and placed on probation for 2 years.

22347. Turmeric. (F. D. C. No. 37670. S. No. 11-889 M.)

QUANTITY: 16 168-lb. bags at New York, N. Y.

SHIPPED: 2-8-55, from Elkland, Pa., by Elkland Leather Co.

LIBELED: 2-23-55, S. Dist. N. Y.

LABEL IN PART: "Premhari - New York - Produce of India."

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 3-17-55. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

22348. Foodex (vitamin and mineral preparation). (F. D. C. No. 32825. S. No. 14-187 L.)

INFORMATION FILED: 8-4-54, E. Dist. Pa., against Scientific Nutrition Corp., Lancaster, Pa.

SHIPPED: 3-15-52, from Pennsylvania to Colorado.

LABEL IN PART: (Box) "Foodex Vitamins And Minerals In Flavorful Food Form Directions * * * High In Potency Low In Calories Net Weight—1 Lb. 3 Oz. Compounded by Scientific Nutrition Corp., New York City, N. Y. Olympic Distributors, Los Angeles, International Sales Agents."

CHARGE: 402 (a) (3)—contained insects and insect fragments; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-29-54. \$250 fine.

22349. B-amino-complex tablets. (F. D. C. No. 34608. S. Nos. 9-368/9 L.)

QUANTITY: 772 100-tablet btls. at Chicago, Ill.

SHIPPED: Between 6-26-52 and 7-12-52, from New York, N. Y., by Unitone Corp.

LABEL IN PART: (Btl.) "100 Tablets B-Amino-Complex (or B-Amino BAC-Complex) A brand of amino acids, coenzymes, vitamins and minerals Daily dose of 6 tablets contains: Vitamin B₁ (Thiamine Hydrochloride) 18.0 mg. Vitamin B₂ (Riboflavin) 27.0 mg. Niacinamide 180.0 mg. Vitamin B₆ (Pyridoxine Hydrochloride) 3.0 mg."

ACCOMPANYING LABELING: Display cartons marked "BAC"; leaflets headed "If Your Body Could Talk It Would Say"; placards entitled "For The One In Five Who Is Hard Of Hearing"; and folders entitled "A Revolutionary Advance In Nutrition."

RESULTS OF INVESTIGATION: Analyses showed that the article contained less than the declared amount of vitamin B₁.

LIBELED: 1-19-53, N. Dist. Ill.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article while held for sale; 403 (a)—the labeling of the article when shipped contained false and misleading representations that the article was an adequate and effective treatment for deafness and irritability; that it would supply energy to the heart, lungs, muscles, liver, and other important organs; that it would supply missing enzymes necessary to carry on body functions, such as growth, reproduction, secretion, nerve condition, and muscular contraction; that it would stimulate the body to work as nature intended; that it would endow the user with vibrant life, health, and energy; that it would enable the liver to convert more than normal amounts of carbohydrates into energy; that it would transfer fatigue to quick

*See also Nos. 22308, 22320.

energy; that it would prevent and correct disfunction in the energy conversion chemistry of body functioning; that it would reactivate all enzymes systems necessary for healthy body functioning; that it would activate the body cells to function as nature intended; and that it would supply needs that are missing from the food one eats.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4598.

DISPOSITION: 8-14-53. Default—destruction.

22350. Soyagen, Soyalac, Soyalac Liquid, and soybeans. (F. D. C. No. 37210. S. Nos. 58-205 L, 60-510 L, 79-319 L, 79-324 L, 80-633/4 L, 86-421/2 L.)

INFORMATION FILED: 1-19-55, S. Dist. Ohio, against Pacific Union Association of Seventh-day Adventists, a corporation, t/a Loma Linda Food Co., Mt. Vernon, Ohio, and against Charles P. Miles, manager of the corporation's Mt. Vernon plant.

ALLEGED VIOLATION: Between 4-29-54 and 6-10-54, the defendants shipped Soyagen, Soyalac, and Soyalac Liquid, which were adulterated, from Ohio to Florida, Illinois, Indiana, and Pennsylvania; and between 5-4-54 and 6-11-54, while a quantity of soybeans was being held for sale after shipment in interstate commerce, the defendants caused the article to be placed in a building that was accessible to rodents and caused it to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

LABEL IN PART: "Loma Linda Soyagen [or "Soyalac Infant Food" or "Soyalac Concentrated Liquid"]."

CHARGE: 402 (a) (4)—prepared, packed, and held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-4-55. Corporation fined \$2,400; individual fined \$600.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22301 TO 22350

PRODUCTS

	N. J. No.		N. J. No.
B-amino-complex tablets-----	22349	Cottonseed meal-----	22321, 22322
Bakery products----- ¹	22303-22306	oil, crude----- ⁴	22341
Beans, green, canned-----	22336, 22337	Curd cheese, washed-----	22314
lima, canned-----	22336, 22337	Dairy products----- ^{1 3}	22310-22316
Black-eyed peas, canned dried-- ²	22334	Dog food-----	22319
Blueberries, fresh-----	22332	Eggs, frozen-----	22317, 22318
Butter----- ¹	22310, 22311	Fats. See Oils and fats.	
Candy-----	22301-22303	Feeds and grains-----	22319-22322
Catfish fillets, frozen-----	22323	Fish and shellfish-----	22323-22330
Cereals and cereal		Flavors. See Spices, flavors,	
products----- ^{1 3}	22303-22309	and seasoning materials.	
Cheese-----	22312, ³ 22313	Flour, tapioca----- ⁴	22307
curd, washed-----	22314	Foodex (vitamin and mineral	
grated-----	22315	preparation)-----	22348

¹ (22305, 22310) Prosecution contested. Contains opinion of the court.

² (22334) Seizure contested. Contains opinions of the courts.

³ (22307, 22313) Seizure contested.

⁴ (22341, 22342, 22345) Injunction issued.

	N. J. No.		N. J. No.
Fruitcake	22303	Pepper salad	22346
Fruits and vegetables	² ⁵ 22331-22338, 22346, 22350	Piecrust, pizza	22306
fruit, dried	22331	Pizza piecrust	22306
fresh	22332	Poultry	22343, 22344
frozen	22333	Raisins	22331
tomatoes and tomato prod- ucts	⁵ 22335-22338	Rolls	22304, ¹ 22305
vegetables	² 22334, 22336, 22337, 22346, 22350	Shellfish. <i>See</i> Fish and shellfish.	
Grains. <i>See</i> Feeds and grains.		Soyagen	22350
Ice cream	22316	Soyalac and Soyalac Liquid	22350
Lima beans, canned	22336, 22337	Soybeans	22350
Macaroni and noodle products	22308, 22309	Spices, flavors, and seasoning materials	⁴ 22345-22347
Min-Vita Pre-Mix for poultry	22320	Strawberries, frozen	22333
Noodles. <i>See</i> Macaroni and noo- dle products.		Succotash, canned	22336, 22337
Nuts	22339, 22340	Tapioca flour	³ 22307
Oils and fats	⁴ 22341, ⁴ 22342	Tomato(es), canned	⁵ 22335, 22336
Olives, salad	22346	corn, and okra, canned	22336, 22337
Oysters	22324-22330	puree	22338
Peanut oil, crude	⁴ 22341	Turmeric	22347
Peas, black-eyed, canned dried	² 22334	Vanilla flavor, imitation	⁴ 22345
Pecan(s), meats	22340	Vegetables. <i>See</i> Fruits and vege- tables.	
oil	⁴ 22342	Vitamin, mineral, and other products of special dietary significance	22308, 22320, 22348-22350
unshelled	22339		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Albers Milling Co.:		Cissna Park Cheese Co.:	
dog food	22319	cheese	³ 22313
Aledo Cheese Co. <i>See</i> Alleman, Louis.		Cook Chocolate Co.:	
Alfonso, Michael:		candy	22301
pizza piecrust	22306	Dawn, F. A.:	
Alleman, Louis:		assorted rolls	¹ 22305
cheese	22312	Del Campo Baking Co.:	
Arizona Canning Co.:		rolls	22304
canned dried black-eyed peas	² 22334	Delaware Valley Grocery Co.:	
Bell, Bryan:		canned tomatoes, corn, and okra, canned succotash, can- ned green beans, canned lima beans, and canned tomatoes	22336
Benestelli, Joseph:		Deluxe Products Co.:	
pepper salad and salad olives	22346	pepper salad and salad olives	22346
Camilla Cotton Oil Co.:		Elkland Leather Co.:	
crude cottonseed oil and crude peanut oil	⁴ 22341	turmeric	22347

¹ (22305, 22310) Prosecution contested. Contains opinion of the court.² (22334) Seizure contested. Contains opinions of the courts.³ (22307, 22313) Seizure contested.⁴ (22341, 22342, 22345) Injunction issued.⁵ (22335) Seizure contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Ellis, C. P., III:		Norton-Lilly Co.:	
candy and fruitcake-----	22303	tapioca flour-----	³ 22307
Fairmont Foods Co.:		Olympic Distributors:	
butter-----	22311	Foodex (vitamin and mineral preparation)-----	22348
Fillets, Inc.:		Ontario Cheese Factory Associa- tion:	
frozen catfish fillets-----	22323	washed curd cheese-----	22314
Fleming, J. R.:		Oxford Packing Co., Inc.:	
pecan oil-----	⁴ 22342	oysters-----	22326
Fleming, J. R., & Co., Inc.:		Pacific Union Association of Sev- enth-day Adventists:	
pecan oil-----	⁴ 22342	Soyagen, Soyalac, Soyalac Liq- uid, and soybeans-----	22350
Gary, W. M., Grocery Co., Inc.:		Perry, G. M.:	
grated cheese-----	22315	crude cottonseed oil and crude peanut oil-----	⁴ 22341
Gnome Bakers, Inc.:		Philadelphia Macaroni Co., Inc.:	
assorted rolls-----	¹ 22305	elbow macaroni-----	22309
Iskiwitz, Israel; J. B.; and Leonard:		Pierce, Sam A., Inc.:	
unshelled pecans-----	22339	pecan meats-----	22340
Iskiwitz, H., & Co. <i>See</i> Iskiwitz, Israel; J. B.; and Leonard.		Plains Cooperative Oil Mill:	
Johannes, C. F.:		cottonseed meal-----	22322
frozen strawberries-----	22333	Planters Cotton Oil Co.:	
Kessler, Felix, and John:		pecan oil-----	⁴ 22342
dressed poultry-----	22343	Polin, N. J.:	
Kessler Bros., Inc.:		dressed poultry-----	22344
dressed poultry-----	22343	Pollman, Milton:	
Knapp-Sherrill Co.:		frozen eggs-----	22317
tomato puree-----	22338	Pollman, S. J.:	
Loma Linda Food Co. <i>See</i> Pacific Union Association of Sev- enth-day Adventists.		frozen eggs-----	22317
McConnon & Co.:		Pollman, Sam, Egg Co. <i>See</i> Poll- man, S. J.	
Min-Vita Pre-Mix for poultry_	22320	Quaker City Poultry Sales Corp.:	
Manhattan Packing Co.:		dressed poultry-----	22344
salad olives-----	22346	Real Pizza Crust, Inc.:	
Miles, C. P.:		pizza piecrust-----	22306
Soyagen, Soyalac, Soyalac Liq- uid, and soybeans-----	22350	Rodelle Laboratories, Inc.:	
Miller, E. H.:		imitation vanilla flavor-----	⁴ 22345
ice cream-----	22316	Santoro, G., & Sons, Inc.:	
Miller-Hygrade Ice Cream Co.:		enriched macaroni products---	22308
ice cream-----	22316	Scientific Nutrition Corp.:	
New Palestine Canning Co.:		Foodex (vitamin and mineral preparation)-----	22348
canned tomatoes-----	⁵ 22335	Seacoast Oyster Co., Inc.:	
New Yorker Cheese Co. <i>See</i> Wild- stein, M., & Sons.		oysters-----	22327-22329
Norris, S. N.:			
oysters-----	22324, 22325		

¹ (22305, 22310) Prosecution contested. Contains opinion of the court.³ (22307, 22313) Seizure contested.⁴ (22341, 22342, 22345) Injunction issued.⁵ (22335) Seizure contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Somero, Leo, and Nick:		Unitone Corp.:	
fresh blueberries-----	22332	B-amino-complex tablets-----	22349
Swift & Co.:		Valley Packers, Inc.:	
cottonseed meal-----	22321	frozen strawberries-----	22333
Tasso Plantation Foods:		Weatherford Oil Refining & Dis-	
candy and fruitcake-----	22303	tributing Co.:	
Torsch Canning Co.:		pecan oil----- ⁴	22342
canned tomatoes, corn, and		White, Sherman, & Co.:	
okra, canned succotash, can-		frozen eggs-----	22318
ned green beans, and canned		Whitman, E. G., & Co., Inc.:	
lima beans-----	22336, 22337	candy -----	22302
canned tomatoes-----	22336	Wildstein, M., & Sons:	
Travis Seafood Co.:		grated cheese-----	22315
oysters -----	22330	Wool, Herbert:	
Tusan Packing Co.:		butter ----- ¹	22310
raisins-----	22331	Wool, H., & Sons, Inc.:	
Twitty, T. B.:		butter----- ¹	22310
crude cottonseed oil and crude			
peanut oil----- ⁴	22341		

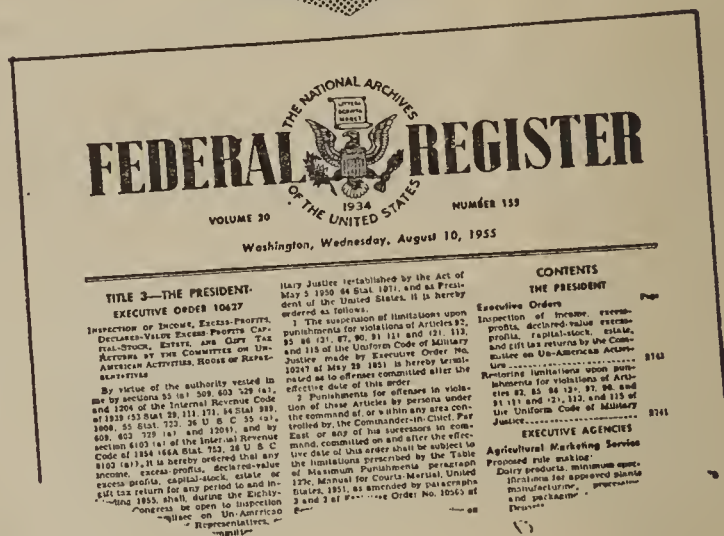
¹ (22305, 22310) Prosecution contested. Contains opinion of the court.
⁴ (22341, 22342, 22345) Injunction issued.

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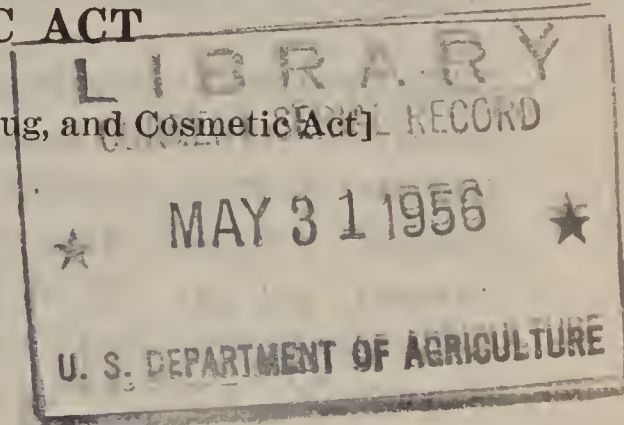
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22351-22400

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated within the meaning of one or both of the following sections while held for sale after shipment in interstate commerce: Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. The reported seizure proceedings were terminated with the entry of default or consent decrees of condemnation. They are civil actions taken against the *goods* alleged to be in violation.

Similar actions against products alleged to be in violation at the time of shipment and criminal prosecution cases against *firms or individuals* charged to be responsible for violations are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., May 9, 1956.

CONTENTS

	Page		Page
Beverages and beverage materials.....	122	Eggs.....	128
Cereals and cereal products.....	123	Fruits and vegetables.....	129
Bakery products.....	123	Canned fruit.....	129
Flour.....	123	Dried fruit.....	129
Miscellaneous cereals and cereal products.....	125	Vegetables.....	130
Dairy products.....	128	Tomatoes and tomato products.....	131
Butter.....	128	Nuts.....	131
Cheese.....	128	Index.....	132

BEVERAGES AND BEVERAGE MATERIALS

- 22351. Canned orange drink.** (F. D. C. No. 37796. S. No. 8-020 M.)
QUANTITY: 192 cases, 12 1-qt., 14-oz., cans each, at Kansas City, Kans.
SHIPPED: 5-31-54, from Prairie Grove, Ark.
LIBELED: 3-2-55, Dist. Kans.
CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.
DISPOSITION: 7-18-55. Default—destruction.
- 22352. Unroasted coffee beans.** (F. D. C. No. 36920. S. No. 80-331 L.)
QUANTITY: 12 150-lb. bags at San Francisco, Calif.
SHIPPED: 6-15-54, from San Salvador.
LIBELED: 8-17-54, N. Dist. Calif.
CHARGE: 402 (a) (3)—contained decomposed substance and water-damaged coffee beans while held for sale.
DISPOSITION: 9-21-54. Consent—claimed by Bunge Corp. 601 lbs. destroyed.
- 22353. Coffee beans and coffee sweepings.** (F. D. C. No. 37683. S. Nos. 12-669/71 M.)
QUANTITY: 14 100-lb bags of coffee beans and 46 110-lb. bags of coffee sweepings at New York, N. Y., in possession of Harry H. Wolfe & Son Co..
SHIPPED: Prior to 2-21-55, from foreign countries.
LIBELED: 3-1-55, S. Dist. N. Y.
CHARGE: 402 (a) (3)—coffee beans contained moldy coffee beans and coffee sweepings contained sand, wood splinters, cigarette butts, bits of paper, string, match sticks, rodent excreta, and other miscellaneous dirt and extraneous material while held for sale; and, 402 (a) (4)—coffee sweepings held under insanitary conditions.
DISPOSITION: 4-5-55. Default—destruction.
- 22354. Green coffee.** (F. D. C. No. 37989. S. No. 18-372 M.)
QUANTITY: 791 lbs. in 6 bags at New York, N. Y.
SHIPPED: 12-28-54, from Dominican Republic.
LIBELED: 5-26-55, S. Dist. N. Y.
CHARGE: 402 (a) (3)—contained sticks, wood, twine, toilet tissue, cigarette butts, pieces of banana peel, thread, and several pieces of matches while held for sale.
DISPOSITION: 6-15-55. Default—destruction.
- 22355. Coffee sweepings.** (F. D. C. No. 38090. S. No. 15-242 M.)
QUANTITY: 7 bags, 75 lbs. to 108 lbs. each, at Alameda, Calif.
SHIPPED: 6-17-55, from foreign country.
LIBELED: 7-12-55, N. Dist. Calif.
CHARGE: 402 (a) (3)—contained dirt, cigarette butts, and miscellaneous debris while held for sale.
DISPOSITION: 8-10-55. Default—destruction.

22356. Coffee sweepings. (F. D. C. No. 30889. S. Nos. 24-671 L, 24-673 L.)

QUANTITY: 800 lbs. in 9 bags and 12 130-lb. bags at Brooklyn, N. Y.

SHIPPED: From foreign countries on various dates.

LIBELED: 4-3-51, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained wood splinters, stones, and dirt while held for sale.

DISPOSITION: J. Aron & Co., Inc., Leon Israel & Bros., Inc., A. L. Ransohoff Co., Inc., Schaefer Klaussman Co., Inc., Hard & Rand, Inc., East Asiatic Co., Inc., A. C. Israel Commodity Co., Inc., and S. A. Schonbrunn & Co., claimants, filed an answer denying that the article was adulterated as alleged. Interrogatories served upon the claimants by the Government were not answered, and the Government filed a motion for an order striking the claimants' answer and granting a default decree of condemnation. On 3-29-55, an order was entered condemning the article and ordering its destruction.

22357. Cereal coffee substitutes. (F. D. C. No. 38022. S. No. 6-669 M.)

QUANTITY: 22 100-lb. bags at Cincinnati, Ohio.

SHIPPED: Between 1944 and 11-21-49, from Port Huron, Mich.

LIBELED: 4-13-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs while held for sale.

DISPOSITION: 4-20-55. Default—destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22358. Ice cream cones, unshelled walnuts, and raisins. (F. D. C. No. 37959. S. Nos. 14-651/2 M, 14-664/5 M.)

QUANTITY: 18 cases, 10 100-count cartons each, of ice cream cones; 8 cases, 10 5-lb. bags each, 2 cases, 12 4-lb. bags each, 4 100-lb. bags and 1 75-lb. bag, of walnuts; and 4 cases, 16 2-lb. pkgs. each, of raisins at Sparta, Ill.

SHIPPED: Between 3-8-51 and 12-30-53, from Fresno and Los Angeles, Calif., and St. Louis, Mo.

LIBELED: 5-3-55, E. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects and insect fragments; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-27-55. Default—destruction.

FLOUR

22359. Flour. (F. D. C. No. 38026. S. Nos. 16-426/9 M.)

QUANTITY: 193 50-lb. bags and 248 25-lb. bags at Wenatchee, Wash., in possession of Pacific Fruit & Produce Co., Inc.

SHIPPED: 10-15-54 and 1-27-55, from Billings, Mont.

LIBELED: 4-18-55, E. Dist. Wash.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-19-55. Consent—claimed by Pacific Gamble Robinson Co., Seattle, Wash. Segregated, 74 25-lb. bags and 22 50-lb. bags denatured.

22360. Flour. (F. D. C. No. 37944. S. No. 18-280 M.)

QUANTITY: 150 100-lb. bags at Bronx, N. Y., in possession of Stella D'Oro Biscuit Co., Inc.

SHIPPED: 3-25-55, from Walkersville, Md.

LIBELED: 4-22-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-10-55. Consent—claimed by Stella D'Oro Biscuit Co., Inc. Segregated, 57 bags denatured.

22361. Flour. (F. D. C. No. 38012. S. Nos. 7-394/5 M.)

QUANTITY: 78 100-lb. bags at El Paso, Tex., in possession of Tidwell Fuel & Feed Co.

SHIPPED: 3-9-55, from Denver, Colo.

LIBELED: 4-6-55, W. Dist. Tex.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-16-55. Default—consumption by animals.

22362. Flour. (F. D. C. No. 38076. S. Nos. 10-111 M, 10-113 M.)

QUANTITY: 53 100-lb. bags at Des Moines, Iowa.

SHIPPED: 3-28-55, from Minneapolis, Minn.

LIBELED: 6-15-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 7-19-55. Consent—claimed by Russell-Miller Milling Co., Minneapolis, Minn. Denatured for use as animal feed.

22363. Flour. (F. D. C. No. 38018. S. Nos. 14-021/2 M.)

QUANTITY: 134 50-lb. bags at Shirley, Ark., in possession of Merchant's Wholesale Grocer Co.

SHIPPED: 10-29-54 and 1-21-55, from Crete, Nebr., and Enid, Okla.

LIBELED: 4-12-55, E. Dist. Ark.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-7-55. Default—consumption by animals.

22364. Flour. (F. D. C. No. 38047. S. Nos. 7-371/2 M.)

QUANTITY: 148 25-lb. bags at Trinidad, Colo.

SHIPPED: 4-16-55, from Wichita, Kans.

LIBELED: 5-25-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: 7-15-55. Default—destruction.

22365. Flour. (F. D. C. No. 37967. S. No. 17-898 M.)

QUANTITY: 28 100-lb bags at Chicago, Ill., in possession of Neiman Bros. Co.

SHIPPED: 3-10-55, from Wahpeton, N. Dak.

LIBELED: 5-10-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-24-55. Consent—claimed by Neiman Bros. Co. Consumption by animals.

22366. Flour. (F. D. C. No. 37968. S. No. 939 M.)

QUANTITY: 200 10-lb. bags at Rome, Ga., in possession of Gibson DeJournette Wholesale Grocery.

SHIPPED: 3-8-55, from Memphis, Tenn.

LIBELED: 5-9-55, N. Dist. Ga.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-22-55. Default—consumption by animals.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

22367. Corn. (F. D. C. No. 38061. S. No. 15-454 M.)

QUANTITY: 60 100-lb. bags at Mountain View, Calif.

SHIPPED: 8-10-54 and 9-4-54, from Hondo and San Antonio, Tex.

LIBELED: 6-2-55, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 7-25-55. Consent—claimed by Teasdale Packing Co., Mountain View, Calif. The article was recleaned, resulting in the release of 57 100-lb. bags as fit for human consumption.

22368. Unpopped popcorn. (F. D. C. No. 37695. S. Nos. 15-912/3 M.)

QUANTITY: 21 90-lb. bags and 1 20-lb. bag at Seattle, Wash., in possession of Utility Cartage, Inc.

SHIPPED: 7-16-53 and 8-11-53, from Kansas City, Mo., and Chicago, Ill.

LIBELED: 3-11-55, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-24-55. Default—consumption by animals.

22369. Farina and rice. (F. D. C. No. 37995. S. Nos. 31-661/3 M.)

QUANTITY: 57 100-lb. bags of farina and 61 100-lb. bags of rice at Chicago, Ill., in possession of John Sexton & Co.

SHIPPED: Between 1-5-55 and 3-12-55, from Stuttgart, Ark., Moundridge, Kans., and Houston, Tex.

LIBELED: 6-6-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—the rice contained rodent urine, rodent excreta, and rodent hairs; and, 402 (a) (4)—all lots were held under insanitary conditions.

DISPOSITION: 8-24-55. Default—destruction.

22370. Rice. (F. D. C. No. 38085. S. No. 30-732 M.)

QUANTITY: 22 100-lb. bags at Dayton, Ohio, in possession of A & S Transfer Co.

SHIPPED: 3-30-55 and 5-4-55, from Houston, Tex.

LIBELED: 7-8-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained rodent excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 8-16-55. Default—consumption by animals.

22371. Rice. (F. D. C. No. 38016. S. No. 10-327 M.)

QUANTITY: 24 25-lb. bags at Iowa City, Iowa, in possession of John Nash Grocery Co.

SHIPPED: 1-24-55, from Stuttgart, Ark.

LIBELED: 4-8-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-17-55. Default—consumption by animals.

22372. Rice. (F. D. C. No. 38019. S. No. 21-410 M.)

QUANTITY: 660 lbs. in 1-, 2-, and 3-lb. pkgs. at Pittsburg, Kans.

SHIPPED: 10-13-54, from Carlisle, Ark., and Joplin, Mo.

LIBELED: 4-14-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 6-8-55. Default—destruction.

22373. Rice. (F. D. C. No. 37934. S. No. 16-912 M.)

QUANTITY: 28 100-lb. bags at Richmond, Va., in possession of Farrer Warehouse Corp.

SHIPPED: 1-21-55, from Houston, Tex.

LIBELED: 4-14-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 8-26-55. Consent—claimed by Converted Rice Co., Inc., Richmond, Va. Converted to chickenfeed.

22374. Rice. (F. D. C. No. 37935. S. No. 16-913 M.)

QUANTITY: 10 100-lb. bags at Richmond, Va., in possession of Farrer Warehouse Corp.

SHIPPED: 1-14-55, from Houston, Tex.

LIBELED: 4-14-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 7-1-55. Consent—claimed by Southgate Packaging Co. and Converted Rice Co., Inc., Richmond, Va. Converted to chickenfeed.

22375. Rice. (F. D. C. No. 37960. S. No. 2-757 M.)

QUANTITY: 55 100-lb. bags at Wilmington, N. C.

SHIPPED: 2-9-55, from Rayne, La.

LIBELED: 5-10-55, E. Dist. N. C.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 6-28-55. Consent—claimed by Southgate Brokerage Co., Inc., Raleigh, N. C. Converted to animal feed.

22376. Rice. (F. D. C. No. 38048. S. No. 25-813 M.)

QUANTITY: 123 25-lb. bags at Minneapolis, Minn., in possession of Twin City Car Checking Co.

SHIPPED: 11-29-54, from Lake Charles, La.

LIBELED: 5-20-55, Dist, Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-3-55. Consent—claimed by Granberg Brokerage Co., St. Louis Park, Minn. Segregated, 32 25-lb. bags denatured.

22377. Rice and unshelled peanuts (2 seizure actions). (F. D. C. No. 38021. S. Nos. 6-667/8 M.)

QUANTITY: 33 100-lb. bags of peanuts and 19 100-lb. bags of rice at Cincinnati, Ohio, in possession of Geo. E. Pellens Co.

SHIPPED: Between 11-4-54 and 2-3-55, from Suffolk, Va., and Carlisle, La.

LIBELED: 4-15-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-11-55. Consent—claimed by Geo. E. Pellens Co. Segregated, 12 100-lb. bags of peanuts and 17 100-lb. bags of rice destroyed.

22378. Wild rice. (F. D. C. No. 37958. S. Nos. 9-950/3 M, 25-804/6 M.)

QUANTITY: 326 100-lb. bags and 1 21-lb. bag at Onamia, Minn., in possession of Mille Lacs Maple Products Corp.

SHIPPED: Between 5-14-53 and 11-1-54, from St. Boniface and Winnipeg, Canada.

LIBELED: 5-3-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-14-55. Consent—claimed by Mille Lacs Maple Products Corp. Segregated, 893 ½ lbs. converted to animal feed.

22379. Wheat. (F. D. C. No. 37983. S. Nos. 3-721/3 M.)

QUANTITY: 120,500 lbs. at Westboro (Northboro), Mass., in possession of Armeno Cereal Co., Inc.

SHIPPED: 12-28-54 and 3-21-55, from Pittsford, N. Y.

LIBELED: 5-19-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained rodent excreta; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-8-55. Consent—claimed by Armeno Cereal Co., Inc. Segregated, 1,375 lbs. converted to turkey feed.

22380. Pumpnickel mix. (F. D. C. No. 38049. S. No. 4-060 M.)

QUANTITY: 3 100-lb. bags at Pittsburgh, Pa., in possession of Hardesty & Stineman.

SHIPPED: 2-16-55, from Chicago, Ill.

LIBELED: 5-19-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-26-55. Default—destruction.

DAIRY PRODUCTS

BUTTER

22381. Butter. (F. D. C. No. 37150. S. No. 7-683 M.)

QUANTITY: 29 32-lb. boxes and 18 12-lb. boxes at Denver, Colo.

SHIPPED: 8-19-55, from Bedford, Iowa.

LIBELED: 9-16-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained mold while held for sale.

DISPOSITION: Cudahy Packing Co. having authorized the entry of a decree, the court entered a decree on 10-12-55, condemning the article. The butter was used in the manufacture of animal feed.

CHEESE

22382. Processed cheese spreads. (F. D. C. No. 37912. S. Nos. 9-501 M, 9-505/6 M, 9-512 M, 9-514 M, 9-516/18 M.)

QUANTITY: 57 6-oz. jars and 91 2½-oz. jars of cheese spread containing roquefort with added cheddar; 55 1-oz. jars and 2 cases, each case containing 24 2½-oz. jars, of cheese spread containing swiss; 30 6-oz. jars of cheese spread containing limburgier; 49 6-oz. jars of cheese spread containing blue cheese; 22 6-oz. jars of nordic cheese spread; 21 4-oz. jugs of cheese spread containing french roquefort; and 18 4-oz. jugs of cheese spread containing edam, at Los Angeles, Calif.

SHIPPED: 10-22-54, from Phoenix, Ariz.

LIBELED: 4-1-55, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained insects and decomposed cheese while held for sale.

DISPOSITION: 4-29-55. Default—destruction.

EGGS

22383. Frozen eggs. (F. D. C. No. 38011. S. No. 7-393 M.)

QUANTITY: 187 30-lb. cans at El Paso, Tex.

SHIPPED: Between December 1954 and March 1955, from points outside Texas.

RESULTS OF INVESTIGATION: The seized article was packed from shell eggs shipped as described above.

LIBELED: 4-6-55, W. Dist. Tex.

CHARGE: 402 (a) (3)—contained decomposed eggs while held for sale.

DISPOSITION: 5-31-55. Consent—claimed by Valley Produce & Egg Co., El Paso, Tex. Segregated, 33 30-lb. cans destroyed.

22384. Frozen eggs. (F. D. C. No. 37915. S. Nos. 7-389/90 M.)

QUANTITY: 156 30-lb. cans at Albuquerque, N. Mex.

SHIPPED: Between March 1954 and March 1955, from points outside the State of New Mexico.

RESULTS OF INVESTIGATION: The interstate shipment consisted of shelled eggs which were repacked as frozen eggs after their receipt at Albuquerque, N. Mex.

LIBELED: 4-5-55, Dist. N. Mex.

CHARGE: 402 (a) (3)—contained decomposed eggs while held for sale.

DISPOSITION: 5-9-55. Consent—claimed by Hollywood Poultry & Egg Co., Albuquerque, N. Mex. Segregated, 139 cans destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

22385. Canned cherries. (F. D. C. No. 37990. S. No. 21-687 M.)

QUANTITY: 36 cases, 6 6-lb., 10-oz. cans each, at Philadelphia, Pa.

SHIPPED: 7-16-53, from Oakland, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 5-24-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 7-27-55. Default—destruction.

22386. Canned crushed pineapple. (F. D. C. No. 38088. S. No. 31-101 M.)

QUANTITY: 41 cases, 6 6-lb., 10-oz. cans each, at Cincinnati, Ohio.

SHIPPED: 5-19-55, from Palm Beach, Fla.

LIBELED: 7-7-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 7-13-55. Consent—claimed by Douglas Currie, Cincinnati, Ohio. Segregated, 18 cases destroyed.

22387. Canned black raspberries (2 seizure actions). (F. D. C. No. 38066. S. Nos. 30-802 M, 30-911 M.)

QUANTITY: 19 cases, 6 6-lb., 7-oz. cans each, at Dayton, Ohio.

SHIPPED: 2-25-52 and 12-11-52, from Eau Claire and Paw Paw, Mich.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 6-9-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 8-15-55. Default—destruction.

DRIED FRUIT**

22388. Raisins. (F. D. C. No. 37992. S. No. 22-539 M.)

QUANTITY: 81 30-lb. cartons at Chicago, Ill.

SHIPPED: 4-20-54, from Dinuba, Calif.

*See also No. 22351.

**See also No. 22358.

LIBELED: 6-6-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 8-24-55. Default—destruction.

22389. Raisins. (F. D. C. No. 37950. S. No. 17-212 M.)

QUANTITY: 17 30-lb. cases at Baltimore, Md.

SHIPPED: 9-17-54, from Fresno, Calif.

LIBELED: 4-21-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects and insect parts while held for sale.

DISPOSITION: 5-12-55. Default—consumption by animals.

VEGETABLES*

22390. Canned asparagus spears. (F. D. C. No. 37940. S. No. 21-813 M.)

QUANTITY: 64 cases, 24 1-lb., 3-oz, cans each, at Philadelphia, Pa.

SHIPPED: 1-7-53, from Cedarville, N. J.

LIBELED: 4-15-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 7-27-55. Default—destruction.

22391. Cranberry beans. (F. D. C. No. 38039. S. No. 6-674 M.)

QUANTITY: 7,500 bags, in 1-, 2-, or 5-lb. sizes, at Dayton, Ohio.

SHIPPED: 3-3-55, from Lowell, Mich.

LIBELED: 5-5-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 7-21-55. Default—consumption by animals.

22392. Cranberry beans. (F. D. C. No. 38067. S. No. 2-238 M.)

QUANTITY: 17 cases, 24 1-lb. bags each, and 23 cases, 12 2-lb. bags each, at Huntington, W. Va.

SHIPPED: 4-25-55, from Dayton, Ohio.

LIBELED: 6-7-55, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained moldy cranberry beans while held for sale.

DISPOSITION: 7-29-55. Default—destruction.

22393. Canned corn. (F. D. C. No. 38008. S. No. 7-993 M.)

QUANTITY: 290 cases, 6 6-lb., 10-oz. cans each, at Kansas City, Kans.

SHIPPED: 9-28-53, from Columbus, Ohio.

LIBELED: 4-4-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 5-17-55. Default—destruction.

22394. Dried mushrooms. (F. D. C. No. 37682. S. No. 15-868 M.)

QUANTITY: 92 20-lb. bags at Seattle, Wash.

SHIPPED: Between August 1954 and February 1955, from places outside the State of Washington.

*See also No. 22396.

LIBELED: 3-3-55, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained insect-infested mushrooms and moldy mushrooms while held for sale.

DISPOSITION: 9-6-55. Consent—claimed by Washington Mushroom Industries, Inc., Seattle, Wash. Segregated, 58 lbs. destroyed.

22395. Canned peas and canned corn. (F. D. C. No. 37943. S. Nos. 20-645 M, 20-656 M.)

QUANTITY: 35 cases, 24 1-lb., 1-oz. cans each, of peas, and 16 cases, 24 1-lb. cans each, of corn at Coffeyville, Kans.

SHIPPED: From 3 to 10 years previous to the seizure, from Chicago, Ill.

LIBELED: 4-25-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 6-8-55. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

22396. Canned tomatoes and canned peas. (F. D. C. No. 37981. S. Nos. 21-684/6 M.)

QUANTITY: 217 cases, 6 6-lb., 6-oz. cans each, of tomatoes, and 111 cases, 24 1-lb. cans each, of peas at Philadelphia, Pa.

SHIPPED: Between 11-18-54 and 2-28-55, from Gaithersburg, Landing Neck, and McDaniel, Md.

LIBELED: 5-18-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 7-27-55. Default—destruction.

22397. Tomato paste. (F. D. C. No. 37786. S. No. 11-094 M.)

QUANTITY: 3,000 cases, 6 No. 10 cans each, at Austin, Tex.

SHIPPED: Between 9-18-53 and 7-20-54, from Stockton, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 2-11-55, W. Dist. Tex.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 3-4-55. Consent—claimed by Walker's Austex Chili Co., Austin, Tex. 3,466 cases of the 3,677 cases of the article actually seized were segregated as unfit and denatured.

NUTS*

22398. Cashew nuts. (F. D. C. No. 38043. S. Nos. 9-955 M, 25-812 M.)

QUANTITY: 137 cases, 2 25-lb. tins each, at St. Paul, Minn.

SHIPPED: 4-18-55 and 4-20-55, from New York, N. Y.

LIBELED: 5-14-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 6-20-55. Consent—claimed by Gill & Duffus, Inc., New York, N. Y. Segregated, 800 lbs. denatured.

*See also Nos. 22358, 22377.

22399. Cashew nuts. (F. D. C. No. 38052. S. No. 10-157 M.)

QUANTITY: 109 25-lb. cans at Des Moines, Iowa.

SHIPPED: 4-18-55, from New York, N. Y.

LIBELED: 5-18-55; amended 5-19-55, S. Dist. Iowa.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 6-11-55. Consent—claimed by Braun Importing Co., New York, N. Y. Segregated, 3 25-lb. tins destroyed.

22400. Unshelled walnuts. (F. D. C. No. 38091. S. No. 25-843 M.)

QUANTITY: 60 100-lb. bags at Laurens, Iowa, in possession of M. & J. R. Hakes, a partnership.

SHIPPED: 11-8-54 and 11-12-54, from Los Angeles, Calif.

LIBELED: 7-12-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 8-1-55. Consent—claimed by M. & J. R. Hakes. Segregated, 433 lbs. destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22351 TO 22400

PRODUCTS

	N. J. No.		N. J. No.
Asparagus spears, canned-----	22390	Fruits and vegetables—Continued	
Bakery products-----	22358	dried-----	22358, 22388, 22389
Beans, cranberry-----	22391, 22392	tomatoes and tomato products--	22396,
Beverages and beverage mate-			22397
rials----- ¹	22351-22357	vegetables -----	22390-22396
Butter -----	22381	Ice cream cones-----	22358
Cashew nuts-----	22398, 22399	Mix, pumpernickel-----	22380
Cereals and cereal products----	22358-	Mushrooms, dried-----	22394
	22380	Nuts-----	22358, 22377, 22398-22400
Cheese spreads, processed-----	22382	Orange drink, canned-----	22351
Cherries, canned-----	22385	Peanuts, unshelled-----	22377
Coffee beans-----	22352, 22353	Peas, canned-----	22395, 22396
green -----	22354	Pineapple, crushed, canned-----	22386
substitutes, cereal-----	22357	Popcorn, unpopped-----	22368
sweepings-----	22353, 22355, ¹	Pumpernickel mix-----	22380
	22356	Raisins-----	22358, 22388, 22389
Cones, ice cream-----	22358	Raspberries, black, canned-----	22387
Corn, bulk-----	22367	Rice-----	22369-22377
canned-----	22393, 22395	wild-----	22378
Cranberry beans-----	22391, 22392	Tomato(es), canned-----	22396
Dairy products-----	22381, 22382	paste-----	22397
Eggs, frozen-----	22383, 22384	Vegetables. See Fruits and vege-	
Farina -----	22369	tables.	
Flour -----	22359-22366	Walnuts, unshelled-----	22358, 22400
Fruits and vegetables-----	22351,	Wheat -----	22379
	22358, 22385-22397		
fruit, canned-----	22385-22387		

¹(22356) Seizure contested.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

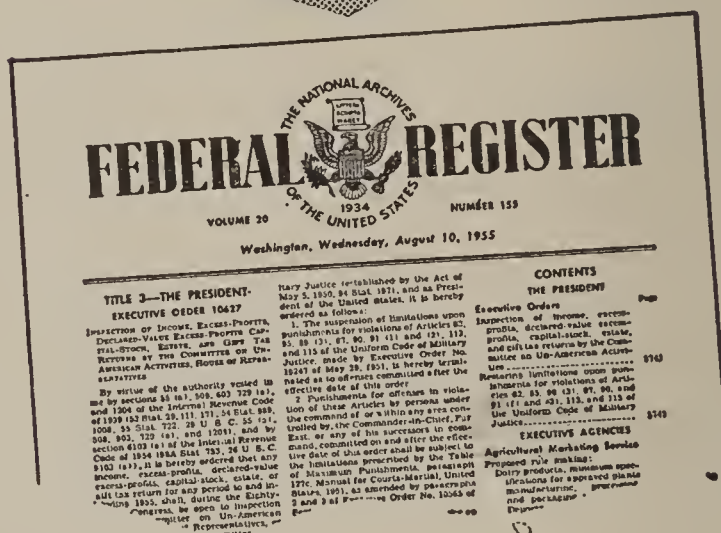
	N. J. No.		N. J. No.
A & S Transfer Co.:		Neiman Bros. Co.:	
rice-----	22370	flour-----	22365
Armeno Cereal Co., Inc.:		Pacific Fruit & Produce Co., Inc.:	
wheat-----	22379	flour-----	22359
Farrer Warehouse Corp.:		Pellens, Geo. E., Co.:	
rice-----	22373, 22374	rice and unshelled peanuts----	22377
Gibson DeJournette Wholesale		Sexton, John, & Co.:	
Grocery:		farina and rice-----	22369
flour-----	22366	Stella D'Oro Biscuit Co., Inc.:	
Hakes, M. & J. R.:		flour-----	22360
unshelled walnuts-----	22400	Tidwell Fuel & Feed Co.:	
Hardesty & Stineman:		flour-----	22361
pumpnickel mix-----	22380	Twin City Car Checking Co.:	
Merchant's Wholesale Grocer		rice-----	22376
Co.:		Utility Cartage, Inc.:	
flour-----	22363	unpopped popcorn-----	22368
Mille Lacs Maple Products Corp.:		Wolfe, Harry H., & Son Co.:	
wild rice-----	22378	coffee beans and coffee sweep-	
Nash, John, Grocery Co.:		ings-----	22353
rice-----	22371		

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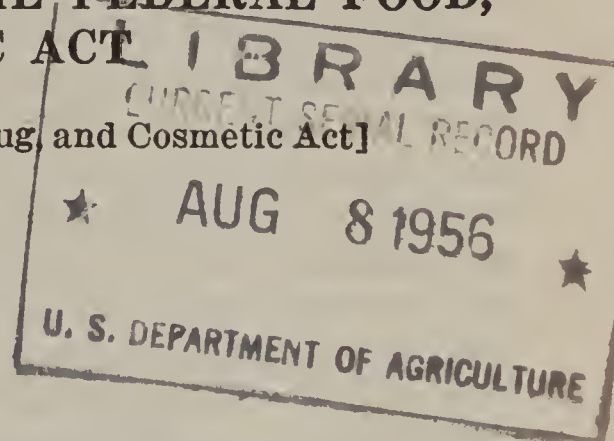
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22401-22450

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce and when shipped to a holder of a guaranty. These cases involve (1) seizure proceedings in which default or consent decrees of condemnation were entered; (2) criminal proceedings which were terminated upon pleas of nolo contendere or guilty, or a verdict of guilty; and (3) injunction proceedings terminated with the entry of a consent decree of injunction. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms or individuals* charged to be responsible for violations.

Similar actions with respect to products alleged to be in violation while held for sale after shipment in interstate commerce are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 2, 1956.

CONTENTS

	Page		Page
Candy.....	136	Fruits and vegetables—Continued	
Cereals and cereal products.....	137	Jams, jellies, and preserves.....	146
Bakery products.....	137	Vegetables and vegetable prod-	
Flour.....	137	ucts.....	146
Macaroni and noodle products..	137	Nuts and nut products.....	147
Miscellaneous cereals.....	138	Oleomargarine.....	149
Dairy products.....	139	Poultry.....	159
Cheese.....	139	Vitamin, mineral, and other prod-	
Fish and shellfish.....	141	ucts of special dietary signifi-	
Fruits and vegetables.....	145	cance.....	160
Canned fruit.....	145	Index.....	163
Dried fruit.....	145		

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22401-22450

Adulteration, Section 402 (a) (1), the article contained a poisonous or deleterious substance which may have rendered it injurious to health; Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength; Section 402 (d), the article was confectionery, and it contained a nonnutritive substance; and, Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; Section 403 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; and, Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CANDY

22401. Candy. (F. D. C., No. 37756. S. Nos. 5-488/9 M.)

QUANTITY: 10 cases, 100 bars each, at Detroit, Mich.

SHIPPED: 12-13-54, from Chicago, Ill., by Charland Candy Mfg. Co.

LABEL IN PART: (Bar) "Charland's Pecan Fudge Candy Bar."

LIBELED: 1-25-55, E. Dist. Mich.

CHARGE: 402 (a) (3)—contained insects, insect parts, and cat hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-22-55. Default—destruction.

22402. Slimettes chocolates. (F. D. C. No. 37346. S. Nos. 38-232/4 L.)

QUANTITY: 150 boxes at Irvington, N. J.

SHIPPED: 9-27-54, from Milford, Conn., by Casanova Chocolate Co., Inc.

LABEL IN PART: (Box) "Dietetic Slimettes Chocolates Low Calorie Sugar Free Salt Free Quarter Pound Net."

LIBELED: 11-5-54, Dist. N. J.

CHARGE: 402 (d)—the product was confectionery and contained a nonnutritive substance, calcium cyclamate, when shipped; 403 (a)—the label statement

"Slimettes Low Calorie Sugar Free Salt Free" was false and misleading since the product was not low in calories, contained some sugar, and had a significant amount of sodium; and, 403 (j)—the product purported to be a food for special dietary uses by reason of its use as a means of regulating the intake of calories for the purpose of controlling body weight, and its label failed to bear, as required by regulations, a statement of the number of available calories supplied by a specified quantity of the food.

DISPOSITION: 12-15-54. Default—delivered to a charitable organization.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22403. Bakery products. (F. D. C. No. 37251. S. Nos. 83-133/4 L, 88-878/80 L, 88-882/5 L.)

INFORMATION FILED: 3-17-55, N. Dist. Ill., against Casey's Cakes & Cookies, Inc., Evanston, Ill., and Casimir Olechnowicz, president of the corporation.

SHIPPED: Between 6-22-54 and 6-24-54, N. Dist. Ill.

LABEL IN PART: (Pkg.) "Casey's English Muffins [or "Honey Almond Coffee Cake," "Honey Fruit Coffee Cake," "Sugar Cookies," "Pecan Butter Coffee Cake," "Brown'n Serve Poppy Seed Sticks," "Almond Crescents," "Lady Fingers," "Oatmeal Cookies," or "Lemon Cookies"]."

CHARGE: 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-13-55. Corporation fined \$100; individual fined \$200.

FLOUR

22404. Flour. (F. D. C. No. 37754. S. No. 5-599 M.)

QUANTITY: 581 100-lb. bags at Waupun, Wis.

SHIPPED: 12-13-54, from Hutchinson, Kans., by Commander-Larabee Milling Co.

LABEL IN PART: "Grade #1 Wheat Flour Bleached Unenriched."

LIBELED: 1-19-55, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained moldy flour when shipped.

DISPOSITION: 2-15-55. Consent—claimed by Commander-Larabee Milling Co. and denatured for use as hog feed.

MACARONI AND NOODLE PRODUCTS

22405. Macaroni, spaghetti, and egg noodles. (F. D. C. No. 36645. S. Nos. 65-993 L, 70-179 L, 71-167/8 L, 72-524 L, 79-592 L, 84-355/6 L.)

INFORMATION FILED: 11-5-54, N. Dist. Ill., against Grand Macaroni Co., a partnership, Chicago, Ill., and Leo Pier Dominici, a partner.

SHIPPED: Between 2-4-54 and 3-15-54, from Illinois to Indiana, Kentucky, Pennsylvania, and Maryland.

CHARGE: 402 (a) (3)—contained insects, insect fragments, rodent hairs, and rodent excreta; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: On 12-6-54, the court imposed a fine of \$1,000 against the defendants jointly, suspending the payment of the fine until the defendants were afforded an opportunity to determine whether they could operate in compliance with the law.

On 8-11-55, the court ordered that the defendants pay \$150 of the suspended fine, plus costs, and that the remainder of the suspended fine stay in effect until the defendants went out of the macaroni business.

MISCELLANEOUS CEREALS

22406. Corn (3 seizure actions). (F. D. C. Nos. 37475, 37482, 37590. S. Nos. 12-018 M, 14-809 M, 14-996 M.)

QUANTITY: 238 100-lb. bags at Castro Valley and Stockton, Calif., and South Ozone Park, N. Y.

SHIPPED: 10-8-54 and 10-29-54, from Minneapolis, Minn., by Northrup, King & Co.

RESULTS OF INVESTIGATION: Examination showed that the article contained between 5.4 parts and 36.6 parts per million of tetramethylthiuram disulfide (arasan).

LIBELED: 12-22-54, 12-28-54, and 1-12-55, N. Dist. Calif. and E. Dist. N. Y.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, tetramethylthiuram disulfide (arasan), which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 1-19-55, 2-16-55, and 3-1-55. Default—destruction.

22407. Bulk yellow corn. (F. D. C. Nos. 37476, 37481. S. Nos. 9-007/8 M, 9-021 M, 9-102/11 M.)

QUANTITY: 10 carloads at Los Angeles, Calif.

SHIPPED: Between 11-4-54 and 11-24-54, from Minneapolis, Minn., by Pillsbury Mills, Inc.

LIBELED: 12-20-54, S. Dist. Calif.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, tetramethylthiuram disulfide (arasan), which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 1-12-55. Consent—claimed by Pillsbury Mills, Inc. Of the 1,380,900 lbs. segregated and cleaned, 160,560 lbs. were destroyed.

22408. Shelled corn. (F. D. C. No. 37571. S. No. 16-880 M.)

QUANTITY: 337,680-lbs. at Baltimore, Md.

SHIPPED: 11-11-54, from North Liberty, Ind., by North Liberty Elevator, Inc.

LIBELED: 1-3-55, Dist. Md.

CHARGE: 402 (a) (3)—contained decomposed and moldy corn when shipped.

DISPOSITION: 7-19-55. Consent—claimed by Pennsylvania Railroad Co., Baltimore, Md. Converted to animal feed.

22409. Unpopped popcorn. (F. D. C. No. 37736. S. No. 7-283 M.)

QUANTITY: 44 cases, 24 2-lb. bags each, at Denver, Colo.

SHIPPED: 12-7-54, from Sioux City, Iowa, by Robb Ross Co.

LABEL IN PART: (Bag) "Robb Ross Pop Corn."

LIBELED: 1-7-55, Dist. Colo.

CHARGE: 402(a) (3)—contained rodent excreta when shipped.

DISPOSITION: 3-7-55. Default—consumption by animals.

22410. Unpopped popcorn. (F. D. C. No. 37734. S. No. 8-413 M.)

QUANTITY: 15 cases, 36 1-lb. pkgs. each, at Kansas City, Mo.

SHIPPED: 12-27-54, from Coffeyville, Kans., by Kansas Wholesale Grocery Co.

LABEL IN PART: (Pkg.) "Vogel's Pop Corn."

LIBELED: On or about 1-5-55, W. Dist. Mo.

CHARGE: 402(a) (3)—contained insects when shipped.

DISPOSITION: 2-16-55. Default—destruction.

22411. Wheat. (F. D. C. No. 37488. S. No. 6-089 M.)

QUANTITY: 120,000 lbs. at Louisville, Ky.

SHIPPED: 11-30-54, from Indianapolis, Ind., by Indiana Grain Cooperative.

LIBELED: 12-22-54, W. Dist. Ky.

CHARGE: 402(a) (2)—contained when shipped an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 12-29-54; amended 2-7-56. Consent—claimed by Indiana Farm Bureau Cooperative Association, Inc., Indianapolis, Ind. After several attempts to recondition the article had proved unsuccessful, it was destroyed.

22412. Wheat. (F. D. C. No. 37764. S. Nos. 10-379/80 M.)

QUANTITY: 88,200 lbs. at Minneapolis, Minn.

SHIPPED: 1-13-55, from Kulm, N. Dak., by Gackle Bros. Grain Co.

LIBELED: 1-25-55, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent excreta when shipped.

DISPOSITION: 2-8-55. Consent—claimed by Gackle Bros. Grain Co. and reprocessed for use as animal feed.

DAIRY PRODUCTS

CHEESE

22413. Washed curd cheese. (F. D. C. No. 35738. S. Nos. 56-120/1 L.)

INFORMATION FILED: 12-29-53, N. Dist. N. Y., against Colosse Cheese & Butter Co., Inc., Parish, N. Y., and John F. O'Mara, manager.

ALLEGED VIOLATION: On 2-2-46, the defendants gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese shipped or sold by it under the guaranty would not be adulterated or misbranded.

Between 7-3-53 and 7-13-53, the defendants caused to be shipped to the holder of the guaranty, at Carthage, N. Y., quantities of washed curd cheese which were adulterated.

CHARGE: 402 (a) (3)—contained manure fragments and prepared from filth-contaminated milk; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: Corporation and individual pleaded not guilty on 1-26-54. Thereafter on 1-11-55, the corporation changed its plea to guilty, and a motion was made by the individual to dismiss the information relating to him. On 4-28-55, the court, after considering the briefs and hearing the arguments of counsel, handed down the following opinion denying the motion:

BRENNAN, *District Judge*: "The individual defendant moves for the dismissal, as to him, of a two count information which charges violation of the Federal Food, Drug & Cosmetic Act (21 U. S. C. A. 331 (h)).

"The motion was made orally at the time the case was moved for trial. Oral argument was heard, briefs have been submitted and the motion is before the Court for decision.

"The facts briefly stated, as charged in the information and as disclosed in the argument and in the briefs, are as follows:

"The corporate defendant (who has entered a guilty plea) is engaged in the manufacture of milk products at Parish, N. Y. The individual defendant is the manager thereof and although the record does not disclose his position insofar as stock ownership is concerned, it is apparent he exercises control of the corporation. In February 1946, the information charges that a continuing guaranty was executed in the name of the corporate defendant by the individual defendant as manager. The guaranty was in the form provided in 21 U. S. C. A. 333 (c) (2) and in effect guarantees to the purchaser that the article shipped by the seller is not adulterated or misbranded within the meaning of the Federal Food, Drug & Cosmetic Act of the United States. The information further charges that on July 3, 1953, while the guaranty was in full force and effect, the defendants did ship to Armour's Creameries Inc., Carthage, N. Y., on the order of the purchaser a quantity of cheese which was adulterated within the meaning of the term as defined in 21 U. S. C. A. 342 (a) (3) and 342 (a) (4). In effect, the charge in the information is that the defendants thereupon violated the provisions of 21 U. S. C. A. 331 (h) in that the guaranty, above referred to, is false by reason of such shipment, the purchaser being engaged in the business of introducing cheese into interstate commerce.

"The second count of the information is similar in all respects to the first count which is described above, except that the shipment was on a different date—to wit—July 13, 1953.

"The moving party in effect contends that even assuming that the individual defendant by reason of his position of control of the corporation could be found guilty of introducing adulterated food into interstate commerce in violation of Sec. 331 (a), that no criminal responsibility rests upon him under the provisions of 331 (h) for the reason that he did not sign the guaranty except in his representative capacity as manager of the corporate defendant and therefore no criminal responsibility may be imposed upon him.

"From the facts before the Court on this motion, the defendant has construed his liability under the statute too narrowly. It seems to be settled that a continuing guaranty made in good faith and unrevoked may be made false by an adulteration of the product, in transactions occurring after its execution and delivery since it purports to cover a series of transactions rather than an individual sale. (*Barnes vs U. S.* 142 F. 2d 648.) It is also settled law that corporate agents may be individually criminally liable for acts done on behalf of the corporation. (*U. S. vs Bach* 151 F. 2d 177 at 179, *Barnes vs U. S.* 142 F. 2d 648, *U. S. v. Empire Packing Co.* 174 F. 2d 16). The case of *U. S. v. Dotterweich* 320 U. S. 277 construes and applies the provisions of the Federal Food, Drug & Cosmetics Act in a liberal manner in accordance with its manifest purpose. While it does not cover the precise point here, it in effect holds that individual liability under the criminal sanctions of the law may not be avoided by the fact that the act committed was in furtherance of the corporate business rather than in the individual personal business of the party charged. At page 281, there is pointed out that the historic conception of a 'misdemeanor' makes all those responsible for it equally guilty. The individual defendant was responsible for the guaranty here. His responsibility may not be avoided because he acted in the execution of the guaranty as a corporate agent. It cannot be

disputed that if the individual defendant was in such control of the corporation as to constitute same his alter ego that he could escape liability. (U. S. v. Dotterweich supra, p. 282). Equal responsibility however is not avoided as a matter of law even if his relationship to the corporation is something less. (U. S. v. Dotterweich, supra, p. 285.)

"From the facts now before the Court and from a review of the cases which have adopted the reasoning of the Dotterweich decision (United States v. Kaadt 171 F. 2d 600; United States v. Parfait Powder Puff Co. 163 F. 2d 1008; United States v. Walsh 331 U. S. 432; United States v. Bach, supra; Barnes v. United States, supra.), it follows that the motion on the present state of the record must be and is denied, and;

"It is SO ORDERED."

On 6-3-55, the individual changed his plea to guilty, and the court fined the corporation \$200 and the individual \$100.

22414. Washed curd cheese. (F. D. C. No. 36610. S. Nos. 45-812 L, 56-165 L.)

INFORMATION FILED: 10-28-54, N. Dist. N. Y., against Leland Denesha, t/a Russell Village Cheese Factory, Russell, N. Y.

ALLEGED VIOLATION: On 7-16-52, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese delivered by the defendant under the guaranty would not be adulterated or misbranded.

On 10-13-53 and 10-20-53, the defendant caused to be delivered to the holder of the guaranty, at Carthage, N. Y., a quantity of cheese that was adulterated.

CHARGE: 402 (a) (3)—contained insect fragments, cow hair fragments, rodent hair fragments, and manure fragments, and prepared from filth-contaminated milk.

PLEA: Guilty.

DISPOSITION: 1-17-55. \$200 fine.

FISH AND SHELLFISH

22415. Canned tuna (15 seizure actions). (F. D. C. Nos. 37492, 37493, 37554, 37562, 37567, 37600, 37601, 37606, 37624, 37625, 37628, 37653, 37770, 37771, 37797. S. Nos. 821 M, 1-045 M, 1-237 M, 3-096 M, 3-098 M, 3-788 M, 3-809 M, 5-982 M, 12-507/8 M, 12-540 M, 13-019 M, 13-904 M, 14-100 M, 18-101 M.)

QUANTITY: 3,938 cases, 48 cans each, at Little Rock, Ark., Memphis, Tenn., New Haven and New London, Conn., Clementon and Perth Amboy, N. J., Jacksonville and Hialeah, Fla., Charlotte, N. C., Bronx, Buffalo, and New York, N. Y., and McConnellsville, Ohio.

Most cans were 6-oz. size, and the remainder were 6½-oz. or 7-oz. size.

SHIPPED: 198 cases were shipped from Batimore, Md., by Francis H. Leggett & Co., on or about 1-20-55, and the other cases were shipped from New Orleans, La., Mobile, Ala., and Ponce, P. R., by South Pacific Canning Co., between 11-15-54 and 12-31-54.

LIBELED: Between 12-27-54 and 2-23-55, E. Dist. Ark., W. Dist. Tenn., Dist. Conn., Dist. N. J., S. Dist. Fla., W. Dist. N. C., S. Dist. N. Y., W. Dist. N. Y., and S. Dist. Ohio.

CHARGE: 402 (a) (3)—alleged to contain decomposed fish when shipped.

DISPOSITION: South Pacific Canning Co., claimant, and the Government having consented, an order was entered on 3-21-55, in the United States District Court

for the W. Dist. Tenn., consolidating and removing the 15 seizure actions for trial in the United States District Court for the Dist. of Nev.

Between 6-22-55 and 7-20-55, consent decrees of condemnation and destruction were entered in two of the seizure actions, involving a total of 70 cases of the article; and consent decrees were entered in the remaining seizure actions, ordering that the article involved in these actions, except for the 447 cases of the article in the Arkansas action, be released to the claimant for the reason that the article was not adulterated as alleged.

The decree held that the article involved in the Arkansas action was not adulterated as alleged, but that, since it had been in part inundated by flood waters while in storage, it should be released to the claimant only upon permission of the Food and Drug Administration. Thereafter, the article in the Arkansas action was examined, with the result that 4 cans were found unfit and destroyed and the remainder released to the claimant.

22416. Crabmeat (3 seizure actions). (F. D. C. Nos. 37141/3. S. Nos. 11-706/8 M.)

QUANTITY: 656 1-lb. cans at Corpus Christi and Houston, Tex.

SHIPPED: 5-2-55, from New Orleans, La., by Reuther's Seafood Co., Inc.

LABEL IN PART: (Can) "Reuther's Seafood Co. Special [or "Claw"] Crabmeat * * * New Orleans, La."

RESULTS OF INVESTIGATION: Examination showed that the article contained *E. coli*.

LIBELED: On or about 5-5-55, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained filthy animal substance; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 6-6-55 and 6-7-55. Default—destruction.

22417. Crabmeat. (F. D. C. No. 37145. S. No. 11-710 M.)

QUANTITY: 600 1-lb. cans (in 8 bbls.) at Baltimore, Md.

SHIPPED: 5-3-55, from New Orleans, La., by Reuther's Seafood Co., Inc.

LABEL IN PART: (Can) "Reuther's Seafood Co. Special [or "Claw" or "Backfin Lump"] Crabmeat * * * New Orleans, La. * * * LA 3C."

RESULTS OF INVESTIGATION: Examination showed that the article contained *E. coli*.

LIBELED: 5-6-55, Dist. Md.

CHARGE: 402 (a) (3)—contained filthy animal substance; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-27-55. Default—destruction.

22418. Crabmeat. (F. D. C. No. 37144. S. No. 11-704 M.)

QUANTITY: 387 1-lb. cans at Baltimore, Md.

SHIPPED: 4-27-55, from Westwego, La., by J & L Crab Distributors, Inc.

LABEL IN PART: (Can) "J & L Crab Distributors Crabmeat White [or "Backfin Lump"] * * * Permit Number LA 224-C Westwego, La."

RESULTS OF INVESTIGATION: Examination showed that the article contained *E. coli*.

LIBELED: 5-2-55, Dist. Md.

CHARGE: 402 (a) (3)—contained filthy animal substance; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-25-55. Default—destruction.

22419. Oysters (5 seizure actions). (F. D. C. Nos. 37717, 37719/22. S. Nos. 2-687/8 M, 16-884 M, 16-886/9 M.)

QUANTITY: 548 12-oz. cans and 912 1-pt. cans at Evansville, Ind., Kansas City, Mo., and Xenia and Canton, Ohio.

SHIPPED: 12-27-54, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LABEL IN PART: "Bob Kelley's Oysters Packed for Modern Food Service, Inc., Louisville, Ky." and "Oysters * * * Pride of Chesapeake Bay."

LIBELED: 12-30-54, S. Dist. Ind., W. Dist. Mo., N. Dist. Ohio, S. Dist. Ohio.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and, 402 (b) (4)—water had been added to the oysters and packed therewith.

DISPOSITION: Between 1-3-55 and 2-10-55. Default—portion delivered to charitable and public institutions and remainder destroyed.

22420. Oysters. (F. D. C. No. 37746. S. No. 12-870 M.)

QUANTITY: 385 1-pt. cans at Fond du Lac, Wis.

SHIPPED: 1-12-55, from Maurice River, N. J., by Stowman Bros.

LABEL IN PART: "Standard Stewing Size [or "Oysters Standards"] * * * Captain Jack's Cape May Brand New Jersey Oysters * * * NJ 5."

LIBELED: 1-14-55, E. Dist. Wis.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and, 402 (b) (4)—water had been added to the oysters and mixed and packed therewith.

DISPOSITION: 2-8-55. Default—destruction.

22421. Oysters. (F. D. C. No. 37714. S. Nos. 2-681 M, 17-396 M.)

QUANTITY: 328 1-pt. cans at Kansas City, Mo.

SHIPPED: 12-21-54, from Rock Point, Md., by Bay Food Products Co., Inc.

LABEL IN PART: "Fresh Oysters Standards [or "Selects"] Cap'n John's."

LIBELED: 12-23-54, W. Dist. Mo.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and, 402 (b) (4)—water had been added to the oysters and mixed and packed therewith.

DISPOSITION: 1-5-55. Consent—delivered to a public institution for consumption by the inmates.

22422. Oysters. (F. D. C. No. 37718. S. No. 2-685 M.)

QUANTITY: 178 12-oz. cans at Butler, Pa.

SHIPPED: 12-27-54, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LABEL IN PART: "Oysters Standards * * * Pride of Chesapeake Bay * * * Md. 51."

LIBELED: 12-29-54, W. Dist. Pa.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and, 402 (b) (4)—water had been added to the product and mixed and packed therewith.

DISPOSITION: 12-31-54. The shipper having requested that the product be given to charity, a decree of condemnation was entered and the product was delivered to a charitable institution.

22423. Frozen shrimp. (F. D. C. No. 35821. S. No. 50-134 L.)

INFORMATION FILED: 12-2-54, S. Dist. Tex., against Producers Marine Service, Inc., Brownsville, Tex.

SHIPPED: 9-5-53 and 9-7-53, from Texas to Mississippi.

LABEL IN PART: "Ho-ma Brand Frozen Shrimp Packed By Ho-ma Packing Company, Houma, La. Net Weight 10-5 lb. La Permit No. 85" or "Frozen Shrimp Net Weight 50 Pounds Keep This Product Frozen Under 0° Temperature."

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped.

PLEA: Guilty.

DISPOSITION: 12-6-54. \$300 fine.

22424. Frozen shrimp. (F. D. C. No. 36028. S. No. 50-134 L.)

QUANTITY: 669 cartons, 10 pkgs. each, at Jersey City, N. J.

SHIPPED: 9-17-53, from Brownsville, Tex., by Clark Sea Food Co.

LABEL IN PART: (Pkg.) "Five Pounds Net Weight Frozen Fresh Shrimp" or "Net Weight 5 Pounds Fresh Frozen Shrimp."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight. The average net weight found was 4 lbs., 9.8 ozs., a shortage of 7.75 percent.

LIBELED: 10-21-53, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped; and, 403 (e) (1) and (2)—the label of the article failed to bear the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents.

DISPOSITION: 2-8-54. Consent—claimed by Clark Sea Food Co. After failure of two attempts to segregate the article, it was destroyed.

22425. Frozen shrimp (2 seizure actions). (F. D. C. Nos. 37565, 37595. S. Nos. 5-764 M, 5-767 M, 6-915/7 M.)

QUANTITY: 21 cases, 24 10-oz. pkgs. each, 16 cases, 12 10-oz. pkgs. each, and 55 cases, 12 4-lb. pkgs. each, at Pueblo, Colo., and Cincinnati, Ohio.

SHIPPED: Between 7-30-54 and 11-27-54, from Miami, Fla., by Florida Frozen Food Processors, Inc.

LABEL IN PART: (Pkg.) "Thomas Frozen Fresh Shrimp In The Shell [or "Peeled and Cleaned"]," "Thomas Frozen Fresh Breaded Fantail Shrimp [or "Fantail Jumbo Shrimp"]," and "Tropic-Fair Whole, Peeled Deveined and Breaded Jumbo Shrimp."

LIBELED: 1-3-55 and 1-11-55, Dist. Colo. and S. Dist. Ohio.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the

meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 2-16-55 and 3-1-55. Default—portion delivered for use as animal feed and remainder destroyed.

22426. Frozen breaded shrimp (2 seizure actions). (F. D. C. Nos. 37747, 37748. S. Nos. 5-594 M, 5-596 M.)

QUANTITY: 170 cases, 12 2-lb. pkgs. each, and 115 cases, 24 10-oz. pkgs. each, at Milwaukee, Wis.

SHIPPED: 11-10-54 and 11-23-54, from Miami, Fla., by Florida Frozen Food Processors, Inc.

LABEL IN PART: (Pkg.) "Tropic-Fair Breaded Shrimp Tidbits" and "Quick Frozen Tropic-Fair Jumbo Shrimp Breaded Fantail Ready to Fry."

LIBELED: 1-14-55, E. Dist. Wis.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 2-9-55 and 2-11-55. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

22427. Canned blueberries. (F. D. C. No. 37762. S. No. 13-249 M.)

QUANTITY: 43 cases, 6 6-lb., 6-oz. cans each, at Harrisburg, Pa.

SHIPPED: 9-13-54, from Cedarville, N. J., by Clement Pappas & Co.

LABEL IN PART: (Can) "White Dove Blueberries Wild in Water."

LIBELED: 1-25-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained maggots.

DISPOSITION: 3-14-55. Default—destruction.

DRIED FRUIT

22428. Raisins. (F. D. C. No. 37905. S. No. 18-001 M.)

QUANTITY: 139 30-lb. cases at Bronx, N. Y.

SHIPPED: 1-26-55, from San Francisco, Calif., by Jack Gomperts & Co., Inc.

LABEL IN PART: (Case) "Honeybunch Brand Midget Natural Thompson Seedless Raisins."

LIBELED: 4-1-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 4-29-55. Consent—claimed by Central Valley Raisin Co., Selma, Calif. Segregated, 270 lbs. destroyed.

22429. Raisins. (F. D. C. No. 37635. S. No. 17-077 M.)

QUANTITY: 400 30-lb. cases at Baltimore, Md.

SHIPPED: 8-17-54, from Stockton, Calif.

LIBELED: 1-28-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-2-55. Consent—claimed by Chaimson & Robinson Co., Inc., Baltimore, Md. Converted into high proof alcohol.

JAMS, JELLIES, AND PRESERVES

22430. Imitation grape jelly. (F. D. C. No. 35769. S. Nos. 14-118 L, 64-399 L.)

INFORMATION FILED: 1-25-54, Dist. Colo., against Pure Food Mfg. Co., Denver, Colo.

SHIPPED: 11-5-52, from Colorado to Utah.

LABEL IN PART: "Delicious Brand Imitation Grape Jelly Net Contents 4 Lbs. 8 Ozs. Packed by The Pure Food Mfg. Co. Denver, Colorado."

CHARGE: 402 (a) (1)—contained an added poisonous, fluorine-bearing substance when shipped which may have rendered it injurious to health.

DISPOSITION: The defendant filed motions to dismiss the information and for a bill of particulars. On 8-16-54, the court denied the motion to dismiss the information and the Government submitted a bill of particulars. The defendant entered a plea of guilty on 11-24-54, and on 12-22-54, was fined \$600.

22431. Apple jelly, currant jelly, and apple-black raspberry jelly. (F. D. C. No. 37712. S. Nos. 9-992/5 M.)

QUANTITY: 6 cases, 12 1-lb., 8-oz. jars each, of apple-black raspberry jelly; 7 cases, 12 10-oz. jars each, of apple jelly; 4 cases, 12 10-oz. jars each, of currant jelly; and 9 cases, 6 4-lb. jars each, of apple-black raspberry jelly, at Superior, Wis.

SHIPPED: Between 10-28-54 and 1-26-55, from Minneapolis, Minn., by Wm. Barnes, Inc.

LABEL IN PART: (Jar) "Coop Pure Apple Black Raspberry Jelly," "Coop Pure Apple Jelly," or "Coop Pure Currant Jelly."

LIBELED: 3-16-55, W. Dist. Wis.

CHARGE: 402 (a) (3)—contained rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 4-5-55. Default—destruction.

22432. Strawberry preserves. (F. D. C. No. 37698. S. No. 843 M.)

QUANTITY: 566 cases, 12 12-oz. jars each, at Jacksonville, Fla.

SHIPPED: 1-18-55, from Front Royal, Va., by Old Virginia Packing Co., Inc.

LABEL IN PART: (Jar) "Old Virginia * * * Pure Strawberry Preserves."

LIBELED: 3-10-55, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained caps, stems, and other extraneous material when shipped; and, 403 (g) (1)—the strawberry ingredient of the article had not been properly prepared as required by the definition and standard of identity for strawberry preserves.

DISPOSITION: 4-5-55. Default—consumption by animals.

VEGETABLES AND VEGETABLE PRODUCTS

22433. Canned spinach. (F. D. C. No. 37768. S. No. 14-872 M.)

QUANTITY: 29 cases, 24 7¾-oz. cans each, at Pittsburgh, Pa.

SHIPPED: 12-23-54, from Santa Clara, Calif., by Pratt-Low Preserving Co.

LABEL IN PART: "Pratt-Low Brand Dietetic-Pack * * * California Spinach."

LIBELED: 1-25-55, W. Dist. Pa.

CHARGE: 403 (a)—the statement "Sodium—Less Than 50 Mg Per 100 G" borne on the label of the article when shipped was false and misleading as applied to the article, which contained substantially more than 50 milligrams of sodium per 100 grams.

DISPOSITION: 2-25-55. Default—delivered to a charitable institution.

22434. Canned sauerkraut. (F. D. C. No. 37229. S. Nos. 56-172 L, 76-751 L, 78-914 L.)

INDICTMENT RETURNED: 5-5-55, W. Dist. N. Y., against Crawford Sauerkraut Co., a partnership, Port Gibson, N. Y., and James C. Crawford, a partner.

SHIPPED: Between 4-6-54 and 7-2-54, from New York to Connecticut, Massachusetts, and Ohio.

LABEL IN PART: (Can) "A & P Sauerkraut Net Wt. 1 Lb. 3 Oz. [or "1 Lb. 11 Oz."] The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributor."

CHARGE: 402 (a) (3)—contained insects, insect fragments, fly eggs, and rodent hair fragments; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-11-55. Corporation fined \$1,000, \$250 of which was suspended, and individual given 6-month suspended sentence and placed on probation for 6 months.

22435. Sweet relish. (F. D. C. 37743. S. No. 15-814 M.)

QUANTITY: 22 cases, 4 1-gal. jars each, at Lewiston, Idaho.

SHIPPED: 12-2-54, from Seattle, Wash., by Green Garden Food Products Co.

LABEL IN PART: (Jar) "Green Garden * * * Sweet Relish."

LIBELED: 1-13-55, Dist. Idaho.

CHARGE: 402 (a) (3)—contained fly fragments and other insect parts; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-24-55. Default—destruction.

22436. Potato chips. (F. D. C. No. 37741. S. No. 15-974 M.)

QUANTITY: 98 cases, 6 12-oz. pkgs. each, at Anchorage, Alaska.

SHIPPED: 12-20-54, from Seattle, Wash., by Nalley's, Inc.

LABEL IN PART: (Pkg.) "Nalley's * * * Potato Chips."

LIBELED: On or about 1-19-55, Dist. Alaska.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 3-2-55. Default—destruction.

NUTS AND NUT PRODUCTS

22437. Shelled pecans. (F. D. C. No. 37242. S. Nos. 60-492 L, 60-506 L, 79-508 L.)

INFORMATION FILED: 4-6-55, M. Dist. Ga., against Sam A. Pierce, Inc., Cairo, Ga., and Sam A. Pierce, president of the corporation.

SHIPPED: Between 1-9-54 and 6-8-54, from Georgia to Ohio and Florida.

CHARGE: 402 (a) (3)—contained *E. coli* of fecal origin when shipped; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 5-16-55. Fine of \$600 against corporation and probation for 2 years against corporation and individual.

22438. Shelled pecans. (F. D. C. No. 37555. S. Nos. 5-624/5 M.)

QUANTITY: 13 50-lb. boxes and 12 25-lb. boxes at Chicago, Ill.

SHIPPED: 11-17-54, from Mobile, Ala., by Finklea Pecan Co.

LIBELED: 1-10-55, N. Dist. Ill.

LABEL IN PART: "Amber Pecan Meats" or "Small Pecan Pieces."

CHARGE: 402 (a) (3)—contained filthy substance (*E. coli*); and, 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 5-2-55. Consent—claimed by F. J. Finklea, t/a Finklea Pecan Co. Product satisfactorily reconditioned by cleaning in a chlorine solution, rinsing, and drying.

22439. Shelled walnuts. (F. D. C. No. 37733. S. No. 8-629 M.)

QUANTITY: 15 55-lb. boxes at Omaha, Nebr.

SHIPPED: 11-11-54, from New York, N. Y., by T. M. Duche & Sons.

LABEL IN PART: "Product Of France Shelled Walnuts * * * 1953 Crop."

LIBELED: 1-6-55, Dist. Nebr.

CHARGE: 402 (a) (3)—contained insect-infested and rancid walnuts when shipped.

DISPOSITION: 2-7-55. Default—consumption by animals.

22440. Peanut butter. (F. D. C. No. 35190. S. Nos. 47-427 L, 70-495/6 L.)

INFORMATION FILED: 6-4-54, M. Dist. Tenn., against Fletcher-Wilson Coffee Co., a corporation, Nashville, Tenn., and Minos L. Fletcher, chairman of the board.

SHIPPED: 4-6-53 and 4-23-53, from Tennessee to Alabama and Kentucky.

LABEL IN PART: (Jar) "Luxury Peanut Butter * * * Fletcher-Wilson Coffee Co., Nashville, Tenn."

CHARGE: 402 (a) (3)—contained insect fragments; and, 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before a jury on 12-20-54. After the presentation of the Government's case, the defendants withdrew their pleas of not guilty and entered pleas of nolo contendere. On 12-21-54, the corporation was fined \$100; the imposition of the individual's sentence was suspended, and he was placed on probation for 1 day.

22441. Peanut butter. (F. D. C. No. 37724. S. Nos. 4-016/7 M.)

QUANTITY: 12 cases, 24 12-oz. jars each, and 22 cases, 12 2-lb. jars each, at New Castle, Pa.

SHIPPED: Between 4-1-54 and 11-8-54, from Greenville, Ohio, by Union Food Products Co.

LABEL IN PART: (Jar) "Ribbon Brand Peanut Butter."

LIBELED: 1-6-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insect parts, rodent excreta, and rodent hairs; and, 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-25-55. Default—destruction.

OLEOMARGARINE

22442. Oleomargarine. (F. D. C. No. 33816. S. No. 6-424-L.)

INFORMATION FILED: 11-7-52, Dist. Nebr., against Cudahy Packing Co., a corporation, Omaha, Nebr.

SHIPPED: 1-30-52, from Nebraska to Connecticut.

LABEL IN PART: (Carton) "Net Wt. 1 lb. Delrich E-Z Color Pak Vegetable Oleomargarine Prepared by The Cudahy Packing Co., General Offices, Omaha, Nebr."

CHARGE: 402 (b) (2)—a product containing less than 80 percent fat had been substituted for oleomargarine; and, 403 (g) (1)—the product contained less than 80 percent fat, the minimum permitted by the definition and standard of identity for oleomargarine.

PLEA: Not guilty.

DISPOSITION: The case was tried before the court without a jury on 2-26-54. On 3-31-55, after consideration of briefs and argument, the court handed down the following opinion, finding the defendant not guilty of the charge contained in count 1, guilty of the charge contained in count 2, and imposing a fine of \$500, plus costs:

DELEHANT, *District Judge*: "After the filing of a stipulation waiving trial by jury, this case has been tried to the court. Typewritten briefs have been submitted and considered and the matter is ready for ruling and judgment.

"By an information in two counts the plaintiff charged the defendant, a Main corporation doing business in Nebraska, with the violation of the Federal Food Drug, and Cosmetic Act in the respects next disclosed.

"In Count I it was charged that on or about January 30, 1952, within this division of this district, the defendant caused to be introduced, and delivered for introduction, into interstate commerce at Omaha, Nebraska for delivery to Waterbury, Connecticut consigned to The Cudahy Packing Co., a number of cases, each of which contained a number of cartons of a food; that displayed upon the cartons was labeling which, among other things, consisted of the following printed and graphic matter:

Net Wt. 1 lb.

DELRICH

E-Z COLOR PAK

Vegetable

OLEOMARGARINE

Prepared by The Cudahy Packing Co.,
General Offices, Omaha, Nebr.;

that said food when caused to be introduced and delivered for introduction into interstate commerce 'was adulterated within the meaning of 21 U. S. C., 342 (b) (2) in that a product containing less than 80 percent by weight of fat had been substituted for oleomargarine, a product which must contain not less than 80 percent by weight of fat as prescribed by the definition and standard of identity for oleomargarine (21 C. F. R. 1949 Ed., 45.0 (a)).'

"Count II charged the defendant with exactly the same interstate shipment, concerning which it further charged that the food thus shipped 'was misbranded within the meaning of 21 U. S. C., 343 (g) (1) in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity has been prescribed by regulations (21 C. F. R., 1949 Ed., 45.0 (a)) promulgated pursuant to 21 U. S. C. 341 and it failed to conform to said definition and standard in that Section 45.0 (a) of said definition

and standard provides that oleomargarine contains not less than 80 percent fat as determined by the method prescribed in said regulations, whereas said food contained less than 80 percent of fat as determined by such method.'

"Each of the counts further charged that on January 3, 1952 in Cr. 104-51 in this court the defendant was convicted of violation of the Federal Food, Drug, and Cosmetic Act which conviction had become final before January 30, 1952. Thereby, the application of the higher penalty provided in Title 21 U. S. C. A., Section 333 (a) was invoked.

"To each count the defendant pleaded not guilty.

"It may be observed, at the outset, and without needless discussion, that both parties correctly agree in their briefs that, even if the defendant be adjudged to be guilty under both counts, only one sentence may be imposed. Not only is the defendant charged with but a single act of transportation. If it violated the cited regulation the act or omission producing the violation occurred in a single respect and particular.

"The facts will first be found. In large part they are stipulated in writing. That stipulation is allowed by the court and the presently material facts agreed to in it are copied in detail in a footnote.¹ To a considerable extent, the

¹ "1. That on or about January 30, 1952, the Cudahy Packing Company, a corporation, defendant herein, shipped from its plant at Omaha, Nebraska, by rail, in interstate commerce, to the Cudahy Packing Company, at Waterbury, Connecticut, 250 cardboard cases, each of which said cases contained 24 one-pound packages or cartons of a food, labeled in part as follows: * * * DELRICH * * * OLEOMARGARINE * * *'

"2. That the said 250 cardboard cases referred to in paragraph one hereof, each containing 24 one-pound packages or cartons of a food as described in paragraph one hereof, was delivered to and received by the Cudahy Packing Company, at Waterbury, Connecticut, on or about February 4, 1952.

"3. That at the time the said 250 cardboard cases, each containing cartons of a food as described in paragraphs one and two hereof were shipped from Omaha, Nebraska and delivered to and received by the Cudahy Packing Company at Waterbury, Connecticut, as set forth in paragraphs one and two hereof, some of the said cardboard cases were stamped with control number '0529,' others of said cardboard cases were stamped with control number '0530,' and some of the said cardboard cases were not stamped with any control number.

"4. That a number of the said cardboard cases containing cartons of a food as described and referred to in paragraphs one and two hereof, some of which bore stamp control number '0529,' some of which cases bore stamp control number '0530,' and some of which cases did not bear any stamp control number, were on hand and in the possession of the Cudahy Packing Company at Waterbury, Connecticut, on or about February 26, 1952, and also on or about May 9, 1952.

"5. That on or about February 26, 1952, Inspector William H. Phillips of the Food and Drug Administration, collected a sample consisting of ten one-pound packages or cartons of the said oleomargarine, each package or carton being taken from a different cardboard case which had been shipped from Omaha, Nebraska to Waterbury, Connecticut, as described in paragraphs one and two hereof, stamped with control number '0529' as described in paragraph three above, and after identifying each package or carton so taken with his initials, the date, and sample number '6-424 L,' and subdivision number (Said ten one-pound packages or cartons so taken were numbered 3, 5, 7, 9, 11, 14, 16, 19, 20, 21) and sealing the sample with an official seal used by the Food and Drug Administration, transmitted the said sample consisting of ten one-pound packages or cartons of said oleomargarine, to the Boston District Office of the Food and Drug Administration where the said sample was received by Analyst Gordon P. Trowbridge, Jr.

"6. That on or about March 11, 1952, Gordon P. Trowbridge, Jr., a graduate chemist, regularly employed in the Boston, Massachusetts office of the Food and Drug Administration, using the method of analysis recognized and approved by the Association of Official Agricultural Chemists, analyzed the ten one-pound packages or cartons, collected by Inspector William H. Phillips, as described in paragraph five hereof. In making this analysis, packages numbered 3 and 21 were each divided into two parts and numbered 3a and 3b, and 21a and 21b, and a separate analysis made of each of the parts. The results of the analyses thus made were as follows:

Sub. No.	Fat
3 { a-----	73.8
b-----	73.9
5-----	80.7
7-----	80.7
9-----	81.1
11-----	80.3
14-----	81.3
16-----	80.9
19-----	81.1
20-----	80.0
21 { a-----	77.9
b-----	-----

The average per cent of fat for the ten subdivisions was 79.8.

"7. That on or about May 9, 1952, Inspector William H. Phillips, of the Food and Drug Administration, collected a sample consisting of 40 one-pound packages or cartons

of said oleomargarine, each package or carton being taken from a different cardboard case which had been shipped from Omaha, Nebraska, to Waterbury, Connecticut, as described in paragraphs one and two hereof, stamped with control number '0529,' as described in paragraph three above, and after identifying each carton with his initials, the date, the sample number 'Post Seizure 6-454 L' and the subdivision number, (1 to 40 inclusive), and sealing the sample with an official seal of the Food and Drug Administration, said Inspector William H. Phillips delivered the sample to the Boston District Office of the Food and Drug Administration where it was received by Analyst Gordon P. Trowbridge, Jr.

"8. That on or about May 9, 1952, and at the same time that Inspector William H. Phillips, of the Food and Drug Administration, collected the sample of oleomargarine consisting of 40 one-pound packages or cartons as described and referred to in paragraph seven hereof, William Gerard, an employee of the Cudahy Packing Company at Waterbury, Connecticut, also collected a sample of said oleomargarine consisting of forty one-pound packages or cartons, each of said forty one-pound packages or cartons so taken by Mr. Gerard were taken from the same forty cases stamped with control number '0529' from which Inspector William H. Phillips took the sample as described in paragraph seven hereof, and after Mr. Gerard had identified each of the forty one-pound packages or cartons with his initials, the date, a sample number, and like subdivision numbers as described in paragraph seven above, transmitted the same to the Food Research Laboratories, Inc., 48-14 Thirty-Third Street, Long Island City, New York.

"9. That on or about June 25, 1952, analyst Gordon P. Trowbridge, Jr., referred to in paragraph six above, using the method of analysis recognized and approved by the Association of Official Agricultural Chemists, analyzed subdivisions one through twenty, of the sample obtained by Inspector Phillips, as set forth in paragraph seven above.

"That on or about May 28, 1952, a chemist in the employ of Food Research Laboratories, Inc., 48-14 Thirty-Third Street, Long Island City, New York, using the method of analysis recognized and approved by the Association of Official Agricultural Chemists, analyzed the forty subdivisions, taken as a sample by William Gerard, as set forth and described in paragraph eight hereof.

"The results of the analysis of the contents of the packages or cartons of oleomargarine as to fat content thereof, by Analyst Gordon P. Trowbridge and by a chemist of the said Food Research Laboratories, Inc., are as follows :

Sub. No.	FAT CONTENT	
	Analyst Trowbridge	Food Research Labora- tories, Inc.
1.....	81.1	81.49
2.....	81.0	80.91
3.....	81.1	81.53
4.....	81.4	81.29
5.....	80.8	81.16
6.....	81.2	81.58
7.....	81.1	81.02
8.....	81.2	81.21
9.....	80.7	80.83
10.....	76.2	76.62
11.....	77.9	78.62
12.....	74.8	78.62
13.....	81.0	81.45
14.....	80.0	80.36
15.....	80.9	81.45
16.....	76.7	77.07
17.....	74.0	74.11
18.....	80.7	80.50
19.....	80.9	80.91
20.....	80.5	80.76
21.....		79.99
22.....		81.01
23.....		80.95
24.....		81.27
25.....		81.16
26.....		81.07
27.....		81.16
28.....		80.06
29.....		81.13
30.....		80.98
31.....		80.84
32.....		81.44
33.....		80.53
34.....		80.86
35.....		79.96
36.....		81.35
37.....		81.49
38.....		80.79
39.....		79.17
40.....		80.82

defendant's manufacturing and shipping operations are conveniently reflected in a memorandum introduced and received as Exhibit 3 prepared from data provided by two of the defendant's principal witnesses. The facts—as distinguished from certain conclusions and argumentative material—set out in that memorandum are reflected in a footnote,² the contents of which may be considered as found by the court to be true.

"10. It is further stipulated and agreed that the scales which were installed in the Margarine Department of the Cudahy Packing Company, defendant herein, for the weighing of oil and other ingredients used in the manufacture of oleomargarine were the standard beam type scale which required the moving of weights on the beam to proper locations thereon for the determination of the weight of the oil and milk ingredients used, the scale operator would press slightly on the beam and as the scale beam rose to a nearly level position, the flow of oil and ingredient was cut down to a trickle by the manual operation or closing of a valve from the supply tank when the beam of the scale came into a level position, the flow of oil and other ingredients was completely cut off, by an employee manually closing the valve from the supply tank."

² "The oil used in the manufacture of the oleomargarine that was made on January 29, 1952, was refined hydrogenated deodorized cottonseed oil. The equipment and manufacturing methods and processes currently in use at that time and on that date were as set out below.

"This was oil that was commonly used all over the country in the manufacture of oleomargarine.

"Some producers of oleomargarine over the country use soybean or combination of cotton and soya.

"This oil was produced in Memphis.

"This oil is 100% fat. A small amount of soya lecithin, approximately $\frac{1}{10}$ th of 1%, is added as a preservative but this substance is also pure fat.

"The oil is received at the plant in tank cars and unloaded into storage tanks contained in the building. The oil as required is pumped from the storage tank into a scale tank, in the required amount for each batch. In this case 794 pounds of oil to each batch, after which the flow of oil in this scale tank discontinues. In other words, the man who is attending the weighing of the oil shuts off the supply of oil when the scale shows that there are 794 pounds of oil in the tank.

"This scale was a beam scale set for 794 pounds and when the beam came up showing that there were 794 pounds of oil in the tank the oil would be shut off. The scale would be set for 794 pounds of oil. As the amount of oil in the tank approximates that figure the man operating the scale would tap the beam with his finger to see whether or not it would come up easy and when it first began to show signs of being about to rise he would cut down the flow of oil so that as soon as the beam rose by itself he could shut off the oil and be sure that he had in the tank the required amount.

"This equipment consists of a stainless steel tank of approximately 1500 pounds capacity and is mounted directly upon the scale platform and is elevated above the floor in order that the contents could gravitate into the receiving tank after being weighed.

* * * * *

"The remainder of the ingredients in the margarine in this case consist of whole milk, salt emargol, sodium benzoate, diacetyl and Vitamin A. They are pre-mixed in separate tanks provided for that purpose. After these ingredients have been thoroughly mixed and are incorporated 206 pounds of this mixture is pumped into the tank already holding 794 pounds of oil. The scale tank is equipped with a mechanical mixer where pre-mixing is accomplished before transferring the batch to the receiving tank. Here the pre-mixing of the oil and other ingredients is obtained before transferring to the receiving tank. At this time the scale beam is set at 1000 pounds and the mixture of the ingredients mentioned above is pumped into the tank until the 1000 pound total weight is reached.

"The following is the procedure in which the ingredients, other than oil, are proportioned in the proper amounts for margarine. The following quantities are used to make one batch of mixture of these ingredients—

Whole milk-----	880 pounds.
Salt -----	160 pounds.
Emargol -----	26½ pounds.
Sodium Benzoate-----	5¼ pounds.
Diluted Diacetyl-----	192 cc.
Vitamin A-----	236.5 grams.

The weight of the above ingredients is arrived at as follows :

Milk: This item is received from the creameries in cans containing 80 pounds each; 11 cans making a total of 880 pounds.

Salt, emargol and sodium Benzoate obtained by actual weighing of each ingredient at time of adding to the mixing tank.

Diluted Diacetyl, being a liquid, quantity was arrived at by measurement on a chemist's graduated tube.

Vitamin A is purchased from the manufacturer in containers, each one holding the required amount for each batch, namely, 236.5 grams. The entire contents of each of these containers is added to each batch.

"After the above ingredients are added to the mixing tank a mechanical electrically operated mix device is used to obtain complete mixture. This mixer is operated continuously for a minimum time of thirty minutes.

"After weighing the batch of oil and milk mixture into the scale or weighing tank a valve in the bottom of the tank is opened and the contents permitted to drain by gravity

"The method, outlined in footnote 2, of weighing ingredients for the manufacturer's mixture is a regularly employed and efficient technique. It is true that some manufacturers employ an electrically operated type of scale, which is superior in sharpness and accuracy; but the manually operated scale is quite adequate.

"During the defendant's manufacture of oleomargarine at its Omaha plant, the product was made in batches of one thousand pounds each. From twenty to twenty-five batches were customarily made each day. And two mixing tanks were maintained for the preparation of white oleomargarine. The product of an individual batch could be identified while it remained in the Omaha warehouse, although no exact marking was made of the product of each batch. The numbers O529 and O530 are control numbers in code used by the defendant to identify the day the marked product was made. 'O' signifies Omaha as the plant; '5' signifies January; and '29' signifies the day of the month. Therefore, 'O529' shows that the product in the package thus stamped was made at Omaha on January 29. Comparable analysis might be made of 'O530.' However, it is obvious that in view of the number of batches processed each day, a common control number on two packages would not necessarily

into the stainless steel receiving tank, circular in form and with a sloping bottom. After the entire batch of 1000 pounds has been dropped into the receiving tank mechanical mixing is begun by means of a lightening mixer. This mixer consists of a shaft with a propeller at the end which revolves at a high rate of speed causing a complete turmoil and rotation of the tank contents. Mixing ordinarily takes twenty minutes.

"After the mixture of oil, milk and other ingredients had been mixed as described in the paragraph above the mixture was pumped into a machine known as a votator. The purpose of the votator is to refrigerate, solidify and homogenize the material. This is accomplished by means of direct expansion ammoniated refrigeration system. The temperature of the mixture going into the votator was 105-110 degrees Fahrenheit and a temperature of 58 degrees Fahrenheit leaving the votator. At a temperature of 58 degrees the mixture is in a semi-liquid form and in this condition transferred by means of a pumping and measuring device through filling pipes that delivered 16 ounce (one pound) of mixture into plastic bags. The plastic bags then pass by means of a conveyor through a sealing device where the open end was closed by passing the bag through two belts, one hot, the other cold; the pressure causing the bag to seal. From this point the bags were placed in cartons and the cartons packed in shipping containers.

"This piece of equipment consisted of two parts, namely, the A Unit in which the mixture is chilled and solidified. The mixture then passes to the second step or B Unit where it is homogenized to the point where it is extruded as a smooth semi-liquid substance.

"Samples were obtained by the chemist as the oleomargarine was extruded from the filling pipes to the plastic bags.

"As of January 1952 the equipment used by Cudahy was standard equipment over the country and the methods of mixing and weighing were standard methods in general used over the country in well regulated and well operated oleomargarine plants.

"Inasmuch as, next to oil, moisture is the principal substance in margarine, it is a known fact that where moisture content is within the proper range then the margarine will show the proper fat content to meet Government requirements. Experience has shown that where the moisture content does not exceed 15.25% of the total the fat content will be in excess of 80%. In order to assure ourselves that the proper fat content was present it is our custom to obtain moisture percentages on a number of batches of each day's manufacture. As a control analysis to substantiate the results of the moisture analysis an analysis to arrive at the percentage of each ingredient present in the oleomargarine was conducted on several samples each day.

"The moisture test was conducted as follows: The chemist would weigh 10 grams of the oleomargarine with a regulation chemist balance for this purpose. The margarine weighed for test purposes was placed in a thin aluminum cuplike device and placed on top of an electric hot plate and subjected to heat until all of the moisture in the margarine leaves the margarine in the form of steam. The remaining substance in the cup is then weighed on the scale balance and the percentage of moisture drawn off in the form of steam is then calculated.

"The tests for fat content were made by the chemist. The chemist used the standard test that was in use all over the country.

"At one time Delrich Margarine in the E-Z Pak bag was manufactured with non-fat dried milk solids to which water was added to obtain reconstituted dried skim milk. Inasmuch as this reconstituted milk did not contain any fat whatever the oil ingredient in the margarine was held at 80% of the total, or 800 pounds of oil to each 1000 pound batch. Sometime during 1951 in order to improve the quantity of Delrich margarine we established the practice of using whole sweet milk instead of reconstituted dried skim milk solids. Whole sweet milk contains a minimum of 3.5% butterfat and the fat content in the milk was added to the 794 pounds of oil to arrive at a total of 80% plus fat in the margarine. The ingredient known as emargol is also a fat substance and its presence would also contribute to adding to the total percentage of fat to the margarine.

"Ever since October of 1951 we have been using 794 pounds of oil and 206 pounds of milk mixture to each batch, and experience based on daily tests had demonstrated that that mixture would produce oleomargarine containing more than 80% fat."

or even with reasonable probability signify that the contents of the two packages were made in a single batch.

"It is reasonably found from the oral testimony that the considerable intervals between the shipment on January 29, 1952 and the making of the several analyses reflected in footnote 1, e. g. March 11, 1952, May 9, 1952, and May 28, 1952, did not result in substantial change in the fat content of the product. Some factors inhering in that delay would tend to cause a higher fat content, others a lower one. But it fairly appears that the overall change and difference would be slight, if any. The court, therefore, considers, and counsel seem also to consider, the stipulated tests to be fairly reflective of the fat content of the several tested samples as of the critical time of shipment. Thus, of the thirty samples or packages tested in behalf of the plaintiff seven contained less than eighty percent by weight of fat. And of the forty packages or samples tested in behalf of the defendant eight disclosed less than eighty percent by weight of fat. Of the ten samples first taken and tested in behalf of the plaintiff, the average percentage of fat was 79.8. Of the twenty samples later taken and tested in behalf of the plaintiff the average percentage of fat was 79.66 and of the forty samples taken and tested in behalf of the defendant the average percentage of fat was 80.43.

"The defendant, on November 23, 1949, in No. Cr. 101-49 in this court was, upon its plea of nolo contendere, convicted of the violation of the Federal Food, Drug, and Cosmetic Act upon each of eight counts of an information, of which four counts charged it with the introductions into interstate commerce of oleomargarine that was adulterated in that it contained less than eighty percent by weight of fat and four counts charged it with the introduction of such oleomargarine as being misbranded, and was adjudged and sentenced to pay a fine upon each such count and to pay the costs of prosecution. That conviction had become final before January 29, 1952. While this conviction was stipulated and was testified to upon the trial, it was not charged in the information. Therefore, the court, beyond finding that it occurred, attributes no present significance to it.

"Thereafter, on January 3, 1952, the defendant in No. Cr. 104-51 in this court was, upon its plea of nolo contendere convicted of the violation of the Federal Food, Drug and Cosmetic Act upon each of four counts of an information, of which two counts charged it with the introduction into interstate commerce of a number of cases of food which were adulterated within the meaning of 21 U. S. C. 342 (b) (2) and two counts charged it with the introduction into interstate commerce of a number of cases of food which were misbranded within the meaning of 21 U. S. C., 343 (g) (1), and was adjudged and sentenced to pay a fine upon each of such counts and to pay the costs of prosecution. That conviction had become final before January 29, 1952. It is the conviction pleaded in the several counts of the present information.

"As of the time of the present trial the defendant was not engaged in the manufacture of oleomargarine at its Omaha plant, but was utilizing a Chicago plant for that purpose. Prior to the prosecution in No. Cr. 101-49, the defendant had for some time made oleomargarine at its Omaha plant. But at about that time, though not in consequence of the prosecution, it discontinued that practice. The reason for the discontinuance was the comparative smallness of the Omaha plant and the greater size of its Chicago facilities. Some time later manufacturing was resumed at Omaha. The prosecution in No. Cr. 104-51 followed. Then, the defendant made material change in its measuring and weighing and mixing methods, and with those changes continued to make the product at Omaha until early in February, 1952, when the use of the Omaha plant for the making of oleomargarine was again abandoned. A witness for the defendant attributed the reason for that change to the large equipment at Chicago. The motive, however, is quite immaterial to the court's present inquiry. So, too, for that matter is the change itself, at least on the issue of guilt or innocence.

"The sections of the statutes and the regulation brought into the controversy may appropriately be recalled at this point.

"Title 21 U. S. C. A., Section 331 (a) is first quoted :

The following acts and the causing thereof are hereby prohibited :

(a) The introduction or delivery for introduction into interstate commerce of any food . . . that is adulterated or misbranded.

"The penalty for such violation is defined in Title 21 U. S. C. A., Section 333 (a) :

Any person who violates any of the provisions of section 331 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final such person shall be subject to imprisonment for not more than three years, or a fine of not more than \$10,000, or both such imprisonment and fine.

"The only charge of adulteration made in the information is laid under Title 21 U. S. C. A., Section 342 (b) (2) which is in these words :

A food shall be deemed to be adulterated—(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor.

"Not because violation of them is charged, but for their conceivable significance upon the meaning of section 342 (b) (2), other subsections of section 342 are now quoted. Subsections (b) (3) and (4) follow :

(3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

And subsection (e) having explicit reference to oleomargarine is in this language :

(e) If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine or margarine or butter is otherwise unfit for food.

"For present purposes, misbranding is thus defined by Title 21 U. S. C. A., Section 343 (g) (1) :

A food shall be deemed to be misbranded . . . (g) if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 341, unless (1) it conforms to such definition and standard.

"The foregoing reference to Title 21 U. S. C. A., Section 341 prompts the following quotation from subsection (a) of that section :

(a) Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container: . . .

"Within that grant of authority the Secretary through proper delegation prior to January 29, 1952 had defined, and prescribed standards of identity for oleomargarine which were effective on that date. See 21 C. F. R. Section 45.0, 1949 Ed.³ Generally, the regulation declares (subsection (a)), that

Oleomargarine is the plastic food prepared with one or more of the optional fat ingredients named in subparagraph (1), (2), (3), or (4) of this paragraph.

That language is followed by the designation of fat ingredients that admittedly include cottonseed oil which was the one employed by the defendant in the making of the challenged oleomargarine. Then, touching the prescribed quantity of a designated ingredient it is declared that :

The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in "Official and Tentative Methods of

³ For the regulation in current form, see 21 C. F. R. 45.1 Cumulative Pocket Parts to 1949 Edition.

Analysis of the Association of Official Agricultural Chemists," 4th Edition 1935 page 289, or 5th Edition 1940 page 298.

In this trial no issue was made upon the adequacy under the last quoted language of the methods of testing pursued by both the plaintiff and the defendant. The stipulation, see footnote 1, appears to foreclose any such question.

"Beyond the facts as found, the questions before the court are few and, as it would seem, fairly simple. The first and most vital one is whether the product contained in defendant's shipment of January 29, 1952⁴ was violative of the definition and standard made and erected by 21 C. F. R., Section 45.0 (a). For unless it was, both counts of the information must necessarily fall. Whether validly or not, both of them are poised upon it. The product is thus violative if the failure of the contents of fifteen of the tested one-pound packages to contain as much as eighty percent by weight of butterfat constitutes a violation. This court considers that it does.

"Counsel for the defendant argues vigorously that there were altogether several hundred packages in the shipment stamped with control number 0529 of which the contents of only seventy were tested at all; and that of the seventy only fifteen failed to meet the eighty percent test. The others tested either met or surpassed it. And the proofs show nothing of the ingredients of the much larger number of untested packages. The argument proceeds to assert first, that the over all average fat content by weight of the tested product under control number 0529 somewhat exceeded eighty percent, and, secondly, that it may fairly be assumed that the entire product bearing that control number also exceeded the eighty percent requirement. Upon the latter phase it is recognized that no deficiency in the untested portion of the shipment is affirmatively established by the proof.

"But the argument in its entirety is unsound. The cited regulation applies to any oleomargarine irrespective of the size of its mass, or the manner of its packaging, or whether it constituted all or only a part or parts of a shipment. The contents of each of the fifteen packages included less than eighty percent of fat by weight. With some the deficiency was very slight, less than one percent. With others it was greater, extending to slightly more than six percent. As to the contents of those packages the deficiency manifestly exists.

"That deficiency is not to be put aside upon the assumption that the entire batch out of which the samples were taken contained not less than eighty percent of fat. To begin with the assumption is just that. It is unproved and unsupported by proof except that dealing with the technique of weighing and mixing. And that is far from conclusive. It seems to be true that all oleomargarine bearing control number 0529 was made at Omaha on January 29, 1952. But from twenty to twenty-five batches of the product were made there daily. Therefore, no assurance exists that all of the shipped product bearing the control number 0529 was made in the same batch. The probabilities are all to the contrary. One may not say, from any data before the court, what the average fat content was of the batch out of which the contents of any sampled package were taken. More to the point, the cited statutes, considered together, deal with the shipment of offending products in any quantity, not with a general average of fidelity to standard or definition of the manufactured mass out of which the deficient product emerged.

"Nor may the adequacy of the larger portion of the product actually shipped immunize the shipper from liability on account of the deficiency of some, though few, separately packaged and distinct units of the shipment. The statute is aimed at any such shipment of a deficient product. And it is not satisfied by the circumstance that much, even most, of the product contemporaneously shipped is equal to, or above, the standard. The reason is clear. Oleomargarine is shipped for ultimate resale as human food in the individual one pound packages to ultimate consumers. Each purchaser is concerned only with the excellence of the one pound he buys. If it is deficient his plight is not improved because nearly every other package in the

⁴The disparity between that date and January 30, 1952, designated in the indictment is noted, but is regarded as wholly immaterial.

shipment contained material that was fully equal to the prescribed standard.

"The argument involves the different, but somewhat related, thoughts that (a) the de minimis rule should be applied here,⁵ and (b) the court should allow a measure of tolerance in meeting the stern eighty percent test. Both of those thoughts neglect the effect and language of Title 21 U. S. C. A., Section 341 (a), *supra*, and of 21 C. F. R. 45.0 (a), *supra*. The cited section gave to the Secretary sweeping power 'to fix and establish a reasonable definition and standard of identity' for such products. And the Secretary, in the exercise of that authority, defined the product as containing 'not less than 80 percent fat.' [Emphasis added.] The underscored words appear conclusively to repel the contention that courts should allow a small indulgence in administering the regulation and also the argument for the application of the de minimis rule, by which a 'little violation' would be judicially forgiven. If the promulgator of the regulation considered that a degree of tolerance should be allowed in its administration he might have made provision accordingly. He did not. 'Not less than eighty percent' means exactly that. The courts are required to follow, and are not allowed either to amend or to nullify such regulations. Instructive in this connection is *Land O'Lakes Creameries v. McNutt* (8 cir.) 132 F. (2) 653 in which the statute in question and the basic regulation defining and fixing standards for oleomargarine were examined and approved.

"Considerations rooted in its purpose and objective have prompted the federal courts to a generally rigid enforcement of the Food, Drug and Cosmetic Act and to a reasonably strict interpretation of its meaning. *United States v. Dotterweich* 320 U. S. 277; *Federal Security Administrator v. Quaker Oats Co.*, 318 U. S. 218; *United States v. 716 Cases of Tomatoes* (10 cir.) 179 F (2) 174; *Bruces Juices v. United States* (5 cir.) 194 F (2) 935; *United States v. 36 Drums of Pop'n Oil* (5 cir.) 164 F (2) 250; *United States v. 1851 Cartons Whiting Frosted Fish* (10 cir.) 146 F (2) 760, 144 F (2) 356, 146 F (2) 760 (reversing 55 F. Supp. 343); *338 Cartons of Butter v. United States* (4 cir.) 165 F (2) 728; *A. O. Andersen & Co. v. United States* (9 cir.) 284 F. 542; *United States v. 133 cases of Tomato Paste* (D. C. Pa.) 22 F. Supp. 515; *Libby McNeill & Libby v. United States* (2 cir.) 148 F (2) 71; *Byrd v. United States* (5 cir.) 154 F (2) 62.

"Counsel have helpfully made the court aware of some opinions in which, if not expressly, at least in substance, the de minimis rule has been followed in actions dealing with foods. But they seem not to be presently instructive. Some of them deals with the allowance of minor tolerances in the matter of adulteration where no administrative definition or prescription of standard was involved. In them there was no question of the judicial alteration or disregard of legislative determination. Others had to do with the government's attempts to condemn altogether large shipments of a product in which only a minor and easily identifiable portion was odious to the law. In them the major demand of the United States was rejected but generally the offending units of the shipments were forfeited. Finally, in at least one, as counsel for the defendant with laudable professional candor acknowledges, the indulgent judgment of the district court was reversed on appeal. See *United States v. 1851 Cartons Whiting Frosted Fish* (10 cir.) 144 F (2) 356, 146 F (2) 760 (reversing 55 F. Supp. 343).

"Notwithstanding its conclusion that the product shipped did not conform to the definition and standard promulgated for it, the court is compelled to conclude that the government has failed to prove adulteration, which is the only violation of the Act charged in Count I.

"It may be repeated that adulteration is charged only under Title 21 U. S. C. A., Section 342 (b) (2). No violation of subsections (b) (3) and (4), or either of them, is asserted. Similarly, it is not charged that Title 21 U. S. C. A., Section 342 (e) dealing specifically with oleomargarine was violated.

"Now, Title 21 U. S. C. A., Section 342 (b) (2) has to be read in association with its related subsection (b) (1). It makes incorporating reference to subsection (b) (1), as a rereading of the two subsections, *supra*, will readily demonstrate. The act of violation thus envisaged manifestly contemplates the *withdrawal* from a product of a 'valuable constituent' of it, and the *substitution*

⁵ Which the defendant explicitly argues.

of another substance for the withdrawn constituent. The government's specification of the violative act, however, is something quite different. It asserts that 'a product containing less than 80 percent by weight of fat had been substituted for oleomargarine,' which by definition must contain not less than 80 percent by weight of fat. What is really charged is not the adulteration of the product by the withdrawal and substitution of ingredients, but the substitution of an altogether different final product. The charge has nothing to do with the removal or substitution of ingredients.

"Nor do the proofs. The ingredients required were all present, but one of them was present in slightly reduced quantity and others presumably in larger quantities. The government argues that this variation in quantities constitutes 'economic adulteration.' That term has crept into some of the decisions to characterize the skimping in manufacture upon expensive ingredients and the corresponding enlargement of cheaper substances. *United States v. 36 drums of Pop'n Oil* (5 cir) 164 F. (2) 250; *United States v. 716 Cases Tomatoes* (10 cir) 179 F. (2) 174. In the thinking of those cases, and the argument of the government here, some emphasis is placed on the higher cost of the ingredient whose quantity is diminished in comparison with the substituted material. Therein lies the motive and the malice of the alteration. But in the present record the evidence draws no contrast between the cost of cottonseed oil and that of whole milk, evidently the two ingredients principally involved. And the court can not take judicial notice of such difference as may exist or of its direction, as was apparently done without difficulty in *United States v. 716 Cases*, supra, where the liberally supplied ingredient was water, and in *United States v. 36 Drums*, supra, where the choice lay between mineral oil and melted butter. So, the court considers the argument of 'economic adulteration' to be fatally defective in its supporting proof of economic impact.

"Another obstacle to conviction under Count I arises because it assumes that resort may be had in support of a charge under Title 21 U. S. C. A., Section 342 (b) (2) to 21 C. F. R. Section 45.0 (a) promulgated under authority of Title 21 U. S. C. A., Section 341 (a). Unlike the section of the statute defining misbranding, (Title 21 U. S. C. A., Section 343(g)) the section within which Count I was framed does not refer to such regulatory definition or standard as a canon or test of adulteration. This thought is not novel. In *Bruce's Juices v. United States* (5 cir) 194 F. (2) 935, the learned Chief Judge of the Fifth Circuit asserts:

. as clearly appears on its face, Sec. 341 invoked by appellant has no relation to, no connection with, the adulteration provisions of the Act. *United States v. 36 Drums of Pop'n Oil* (5 cir) 164 F. (2) 250. It relates to, its office is in connection with the misbranding provision, Section 343 (h).

"In reaching its conclusion upon Count I adverse to the plaintiff, the court has not approved an argument of the defendant that Title 21 U. S. C. A., Section 342 (e) directly relating to oleomargarine, exclusively governs the adulteration of that product. That subsection was brought into the Food, Drug and Cosmetic Act by the Act of March 16, 1950, legislation dealing especially with the taxation of oleomargarine and inspired by its position competitive with butter. Its legislative history is assembled in 2 *U. S. Code Congressional Service*, pages 1968 to 1982, both inclusive. From page 1980, the following excerpt is taken from the conference report:

Section 3 (d) of the bill (Senate amendment No. 11).

Senate amendment No. 11, as amended and agreed to by the committee of conference, adds a new provision to the bill the effect of which is to amend section 402 of the Federal Food, Drug and Cosmetic Act by adding thereto a new subsection (e). The provision is as follows:

"(e) If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine, or margarine, or butter is otherwise unfit for food."

This section, as agreed to by the conferees, adds nothing to section 402 (a) (3) of the Federal Food, Drug, and Cosmetic Act as it has been consistently interpreted and construed by the administrative officials charged

with its enforcement and by the Federal courts. It was adopted by the conferees, however, so as to make abundantly clear the intent of Congress that butter, oleomargarine, and margarine and all of their raw materials used in the manufacture of such butter, oleomargarine, and margarine should be subject to precisely the same standard of purity and to the same type of inspection.

It was not the intent of the conferees by adopting this new provision to weaken in any way the provisions of existing law as they have been interpreted and construed which provide that any food shall be deemed to be adulterated food (including all components thereof) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.

The amendment merely added a clarifying subsection dealing specifically with 'oleomargarine or margarine or butter.' It did not withdraw them from the general provisions against adulteration theretofore and still in effect in respect of all food.

"Accordingly, a judgment of acquittal upon Count I is being made and given.

"But by Title 21 U. S. C. A., Section 343 (g), supra, it is positively declared that a food is misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations under Section 341, unless it conforms to such definition and standard. The contents of the tested packages found short of the eighty percent requirement in respect of fat (a) purported to be and were represented to be oleomargarine, for which a definition and standard of identity had been so prescribed, and (b) did not conform to such definition and standard. Therefore, by the plain terms of Section 343 it was misbranded. And its shipment, thus misbranded, unquestionably violated section 331.

"A judgment of guilty must therefore be made and given upon Count II.

"The matter of sentence remains. The defendant being a corporation, only a fine is appropriate. By Title 21 U. S. C. A., Section 333, the maximum allowable fine is \$1,000.00 with the proviso that, for a violation committed after the defendant's conviction under the section and the finality of such conviction, the fine may be as high as \$10,000.00.

"Despite the court's findings, supra, concerning No. Cr. 104-51 in this court, it is not considered that the fine should be made notably heavy. The violation now before the court was not attributable to hostility or indifference to the applicable statutes or regulation or to contempt of the rights of the public. It occurred despite a bona fide effort to comply with both the statutes and the regulation, though probably with the allowance of a margin of safety that was practicably too small or nonexistent.

"In the circumstances the sentence is that the defendant pay a fine of five hundred dollars and the costs of this case."

POULTRY

22443. Dressed poultry. (F. D. C. No. 37374. S. No. 11-861 M.)

QUANTITY: 1,600 lbs. in 21 crates at Newark, N. J.

SHIPPED: 11-9-54, from Frankford, Del., by Allied Poultry Processors Co.

LABEL IN PART: (Crate) "Acme Brand Fresh Killed Ice Packed Poultry
Fresh Dressed Extra Fancy New York Dressed Maryland Poultry Acme
Poultry Corp., Berlin, Maryland."

LIBELED: On or about 12-1-54, Dist. N. J.

CHARGE: 402 (a) (3)—consisted of birds contaminated with fecal matter, extensively bruised birds, and green struck birds when shipped.

DISPOSITION: 3-29-55. Default—destruction.

22444. Dressed poultry. (F. D. C. No. 37657. S. No. 2-793 M.)

QUANTITY: 1,007 lbs. in 16 crates at Boston, Mass.

SHIPPED: 2-1-55 from Goffstown, N. H., by Karanikas & Sons.

LIBELED: 2-11-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 3-21-55. Default—destruction.

22445. Dressed poultry (2 seizure actions). (F. D. C. Nos. 37040, 37044. S. Nos. 84-803/4 L.)

QUANTITY: 400 lbs. in 6 crates and 207 lbs. in 3 crates at Atlantic City and Camden, N. J.

SHIPPED: 7-28-54 and 7-30-54, from Philadelphia, Pa., by Quaker City Poultry Sales Corp.

LIBELED: 8-9-54 and 8-10-54, Dist. N. J.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and extensively bruised birds; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 8-30-54. Consent—claimed by Quaker City Dressed Poultry Co., Inc., and destroyed.

22446. Dressed poultry. (F. D. C. No. 37660. S. No. 6-462 M.)

QUANTITY: 380 lbs. in 6 boxes at Covington, Ky.

SHIPPED: 2-8-55, from Cincinnati, Ohio, by Wilson Bros. Co.

LIBELED: 2-14-55, E. Dist. Ky.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 6-22-55. Consent—the shipper having waived his right to claim the product and having requested its destruction, the court ordered it destroyed.

22447. Dressed poultry. (F. D. C. No. 37637. S. No. 13-170 M.)

QUANTITY: 300 lbs. in 4 crates at Philadelphia, Pa.

SHIPPED: 1-19-55 and 1-20-55, from Wilmington, Del., by Ace Poultry Co.

LIBELED: 1-28-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 4-4-55. Default—destruction.

22448. Dressed poultry. (F. D. C. No. 37576. S. No. 17-070 M.)

QUANTITY: 287 lbs. in 5 crates at Norfolk, Va.

SHIPPED: 12-14-54, from High Point, N. C., by Modern Poultry.

LIBELED: 1-27-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained decomposed birds and extensively bruised birds; and, 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 4-11-55. Default—consumption by animals.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

22449. B-amino-complex (B-amino-BAC-complex or Unitone) tablets. (Inj. No. 267.)

*See also No. 22402.

COMPLAINT FOR INJUNCTION FILED: 9-28-53, S. Dist. N. Y., against Barrows Chemical Co., Inc., and Unitone Corp., both of New York, N. Y., and against Joseph Barrows, president of the corporations, to enjoin the interstate shipment of an article in tablet form known by the trade names of "B-amino-complex," "B-amino-BAC-complex," and "Unitone"; amended complaint filed on or about 10-30-53.

LABEL IN PART: "B-Amino-Complex [or "B-Amino-BAC-Complex" or "Unitone"]

* * * VITAMINS Daily dose of 6 tablets contains: Vitamin B₁ (Thiamine Hydrochloride) 18.0 mg. Vitamin B₂ (Riboflavin) 27.0 mg. Niacinamide 180.0 mg. Vitamin B₆ (Pyridoxine Hydrochloride) 3.0 mg. High Potency Yeast 200.0 mg. Brewer's Type Yeast 200.0 mg. Inositol 60.0 mg. Choline Hydrochloride 60.0 mg. Panthenol (Equal to Cal. Pantothenate 30 mg.) 26.1 mg. AMINO ACIDS (Vitagenic Accelerators) as contained in Yeast Protein Enzymatic Hydrolysate 1.0 Gm. Fortified with Nucleic Acid 100.0 mg. Glutamic Acid 50.0 mg. Glycine 50.0 mg. Cysteine Hydrochloride 25.0 mg. DI AND TRI-VALENT MINERALS Iron (Feric Citro Pyrophosphate Soluble) 28.8 mg. Copper (Copper Sulfate) 2.1 mg. Magnesium (Magnesium Sulfate) 5.9 mg. Zinc (Zinc Sulfate) 1.4 mg. Cobalt (Cobalt Sulfate) 1.3 mg."

CHARGE: The complaint alleged that the defendants were engaged in the business of manufacturing, distributing, and selling the above-mentioned article, and that for the purpose of explaining the uses of the article and promoting its distribution, the defendants caused the article to be accompanied by labeling consisting of leaflets entitled "Amazing Medical Discovery," "If Your Body Could Talk It Would Say," and "A Revolutionary Advance in Nutrition," placards entitled "Amazing Discovery Checks Deafness, Helps Restore Hearing, Clinically Tested—Come in For Free Booklet," "BAC," and "For the One in Five Who is Hard of Hearing," and publications entitled "Nutritional Guide Better Nutrition Better Health" and "Health and Nutrition News Spring Summer 1953."

The complaint alleged further that the defendants were violating the Act by causing the introduction and delivery for introduction into interstate commerce of the article which was misbranded as follows:

403 (a)—the label of the article and the above-mentioned accompanying labeling contained false and misleading representations that the article was an adequate and effective treatment for deafness; that the article was a new and amazing discovery and a revolutionary advance as a food supplement which, when used as directed, would supply an important quantity of protein; that the article was needed to activate the eyes, ears, lungs, liver, intestines, muscles, brain, heart, stomach, kidneys, and the entire body; that it would supply vitamins, proteins, and minerals in the correct proportions and balanced amounts to stimulate the body to work as nature intended; that it would endow the user with vibrant life, health, and energy; that it would enable the liver to convert more than normal amounts of carbohydrates into energy; that it would supply increased energy to the heart, lungs, muscles, liver, and other important organs; that it would supply missing enzymes necessary to carry on body functions, such as growth, reproduction, secretion, nerve conduction, muscular contraction, etc.; that it would transfer fatigue to quick energy, prevent and correct dysfunction in the energy conversion chemistry of body functioning; and that it would reactivate all enzyme systems necessary for healthy body functioning and would activate the body cells to function as nature intended;

403 (a)—the following statements in the accompanying leaflet entitled "If Your Body Could Talk It Would Say," namely, "'Unbalanced B. Vitamins May Be Dangerous' . . . says The Journal of the American Medical Association in an Editorial of September 1, 1945. They say further . . . 'Extensive scientific evidence has revealed that if B Vitamins are administered in other than balanced proportions they may create Vitamin Deficiencies rather than cure them' . . . still quoting the JAMA, the Editorial continues 'Many B-Complex preparations available to the physician and public today are definitely unbalanced . . . either too much thiamine or not enough riboflavin, niacin, or pyridoxine,'" was false and misleading since the quotations contained in such statements did not appear in an editorial in the September 1, 1945, issue of the Journal of the American Medical Association.

The complaint contained also allegations concerning the misbranding of the article under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: 11-18-54. The defendants having consented to the entry of a decree, the court entered a decree of permanent injunction. The decree enjoined the defendants against introducing into interstate commerce the above-mentioned article or any similar article accompanied (1) by the above-mentioned leaflets and placards or (2) by any written, printed, and graphic matter representing that the article was a new and amazing discovery and a revolutionary advance as a food supplement which, when used as directed, would supply an important quantity of protein; that the article was needed to activate the eyes, ears, lungs, liver, intestines, muscles, brain, heart, stomach, kidneys, and the entire body; that it would supply vitamins, proteins, and minerals in the correct proportions and balanced amounts to stimulate the body to work as nature intended; that it would endow the user with vibrant life, health, and energy; that it would enable the liver to convert more than normal amounts of carbohydrates into energy; that it would supply increased energy to the heart, lungs, muscles, liver and other important organs; that it would supply missing enzymes necessary to carry on body functions such as growth, reproduction, secretion, nerve conduction, muscular contraction, etc.; that it would transfer fatigue to quick energy, prevent and correct dysfunction in the energy conversion chemistry of body functioning; and that it would reactivate all enzyme systems necessary for healthy body functioning and would activate the body cells to function as nature intended; or (3) by written, printed, and graphic matter representing that the article would check or cure or be an adequate and effective treatment for deafness or hard of hearing. The decree provided, however, that the defendants could introduce the article into interstate commerce if it was accompanied by written, printed, or graphic matter clearly limiting and describing the use of the article only as follows:

For cases in which the cause of deafness has been medically diagnosed as hearing nerve deafness due to carbohydrate metabolic disturbance as indicated by high pyruvic acid level in the blood (higher than 2 mg. per 100 cc. under basal conditions), this product may be of value when used in conjunction with other suitable treatment prescribed by your physician. A blood test is necessary to determine whether the level of pyruvic acid in the blood is high.

The decree further enjoined the defendants against introducing the article into interstate commerce unless it was accompanied by written, printed, or

graphic matter which clearly stated and enumerated every disease, condition, symptom, and purpose for which the article was intended to be used and for which it was represented by any means to the public.

22450. Vitamin oil. (F. D. C. No. 37465. S. No. 78-153 L.)

QUANTITY: 3 413-lb. drums at Cleveland, Ohio.

SHIPPED: 5-28-54, from Boonton, N. J., by E. F. Drew & Co.

LABEL IN PART: "Vitand Vitamin Oil For Poultry And Animal Feeds."

RESULTS OF INVESTIGATION: Analysis showed that the article contained 50 percent of the declared amount of vitamin D.

LIBELED: 12-10-54, N. Dist. Ohio.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article when shipped; and, 403 (a)—the label statement "Guaranteed To Contain At Least Vitamin D 900 International Chick Units" was false and misleading.

DISPOSITION: 1-13-55. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS 22401 TO 22450

PRODUCTS		
	N. J. No.	N. J. No.
Apple jelly-----	22431	Jams, jellies, and preserves
-black raspberry jelly-----	22431	22430-22432
Bakery products-----	22403	Jelly. See Jams, jellies, and
B-amino-complex tablets----- ¹	22449	preserves.
Blueberries, canned-----	22427	Macaroni and noodle products__
Cakes and cookies-----	22403	22405
Candy-----	22401, 22402	Noodles. See Macaroni and noodle
Cereals and cereal products		products.
	22403-22412	Nuts and nut products__ ³
Cheese, curd, washed---- ²	22413, 22414	22437-22441
Cookies. See Cakes and cookies.		Oleomargarine----- ²
Corn-----	22406-22408	22419-22422
Crabmeat -----	22416-22418	Oysters-----
Curd cheese, washed---- ²	22413, 22414	Peanut butter----- ³
Currant jelly-----	22431	22440, 22441
Dairy products----- ²	22413, 22414	Pecans, shelled-----
Fish and shellfish-----	22415-22426	22437, 22438
Flour-----	22404	Popcorn, unpopped -----
Fruits and vegetables----	22427-22436	22409, 22410
fruit, canned -----	22427	Potato chips-----
dried-----	22428, 22429	22436
jams, jellies, and preserves		Poultry-----
	22430-22432	22443-22448
vegetables and vegetable prod-		Preserves. See Jams, jellies and
ucts-----	22433-22436	preserves.
Grape jelly, imitation-----	22430	Raisins -----
		22428, 22429
		Relish, sweet -----
		22435
		Sauerkraut, canned -----
		22434
		Shellfish. See Fish and shellfish.
		Shrimp, frozen -----
		22423-22425
		breaded -----
		22426
		Slimettes chocolates-----
		22402
		Spaghetti. See Macaroni and
		noodle products.

¹ (22449) Injunction issued.
² (22413, 22442) Prosecution contested. Contains opinion of the court.
³ (22440) Prosecution contested.

	N. J. No.		N. J. No.
Spinach, canned	22433	Veterinary preparation	22450
Strawberry preserves	22432	Vitamin, mineral, and other prod-	
Tuna, canned	22415	ucts of special dietary sig-	
Unitone tablets	¹ 22449	nificance	22402, ¹ 22449, 22450
Vegetables. <i>See</i> Fruits and		Walnuts, shelled	22439
vegetables.		Wheat	22411, 22412

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Ace Poultry Co.:		Dominici, L. P.:	
dressed poultry	22447	macaroni, spaghetti, and egg	
Acme Poultry Corp.:		noodles	22405
dressed poultry	22443	Drew, E. F., & Co.:	
Allied Poultry Processors Co.:		vitamin oil	22450
dressed poultry	22443	Duche, T. M., & Sons:	
Barnes, Wm., Inc.:		shelled walnuts	22439
apple jelly, apple-black rasp-		Finklea Pecan Co.:	
berry jelly, and currant		shelled pecans	22438
jelly	22431	Fletcher, M. L.:	
Barrows, Joseph:		peanut butter	³ 22440
B - amino - complex (B-amino-		Fletcher-Wilson Coffee Co.:	
BAC-complex or Unitone)		peanut butter	³ 22440
tablets	¹ 22449	Florida Frozen Food Processors,	
Barrows Chemical Co., Inc.:		Inc.:	
B - amino - complex (B-amino-		frozen shrimp	22425
BAC-complex or Unitone)		breaded shrimp	22426
tablets	¹ 22449	Gackle Bros. Grain Co.:	
Bay Food Products Co., Inc.:		wheat	22412
oysters	22421	Gomperts, Jack, & Co., Inc.:	
Casanova Chocolate Co., Inc.:		raisins	22428
Slimettes chocolates	22402	Grand Macaroni Co.:	
Casey's Cakes & Cookies, Inc.:		macaroni, spaghetti, and egg	
bakery products	22403	noodles	22405
Charland Candy Mfg. Co.:		Green Garden Food Products Co.:	
candy	22401	sweet relish	22435
Clark Sea Food Co.:		Ho-Ma Packing Co.:	
frozen shrimp	22424	frozen shrimp	22423
Colosse Cheese & Butter Co., Inc.:		Indiana Grain Cooperative:	
washed curd cheese	22413	wheat	22411
Commander-Larabee Milling Co.:		J & L Crab Distributors, Inc.:	
flour	22404	crabmeat	22418
Crawford, J. C.:		Kansas Wholesale Grocery Co.:	
canned sauerkraut	22434	unpopped popcorn	22410
Crawford Sauerkraut Co.:		Karanikas & Sons:	
canned sauerkraut	22434	dressed poultry	22444
Cudahy Packing Co.:		Leggett, Francis H., & Co.:	
oleomargarine	² 22442	canned tuna	22415
Denesha, Leland:			
washed curd cheese	22414		

¹ (22449) Injunction issued.² (22413, 22442) Prosecution contested. Contains opinion of the court.³ (22440) Prosecution contested.

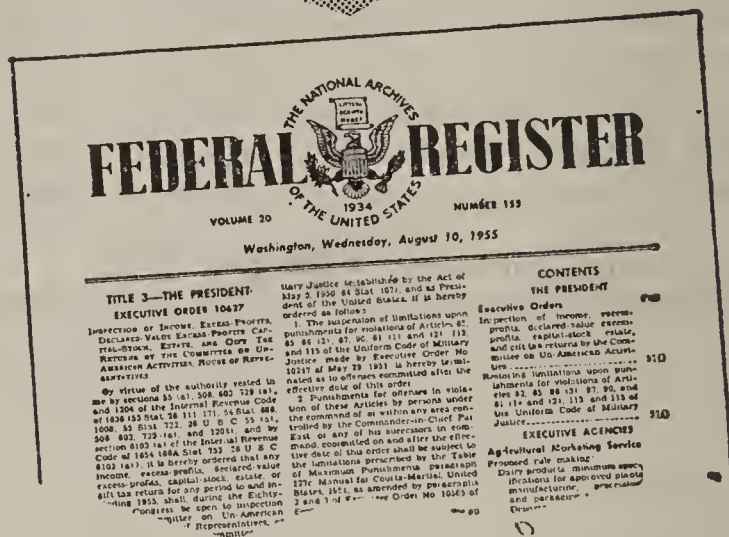
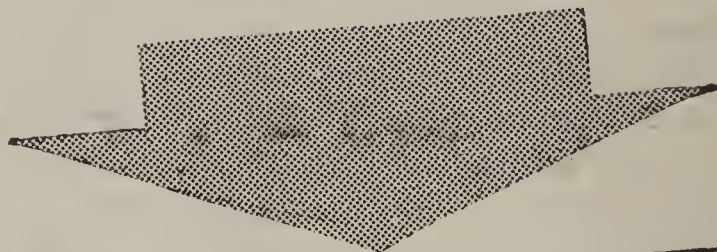
	N. J. No.		N. J. No.
Modern Food Service, Inc.:		Producers Marine Service, Inc.:	
oysters-----	22419	frozen shrimp-----	22423
Modern Poultry:		Pure Food Mfg. Co.:	
dressed poultry-----	22448	imitation grape jelly-----	22430
Nalley's, Inc.:		Quaker City Poultry Sales Corp.:	
potato chips-----	22436	dressed poultry-----	22445
North Liberty Elevator, Inc.:		Reuther's Seafood Co., Inc.:	
shelled corn-----	22408	crabmeat-----	22416, 22417
Northrup, King & Co.:		Robb Ross Co.:	
corn-----	22406	unpopped popcorn-----	22409
Old Virginia Packing Co., Inc.:		Russell Village Cheese Factory.	
strawberry preserves-----	22432	See Denesha, Leland.	
Olechnowicz, Casimir:		Seacoast Oyster Co., Inc.:	
bakery products-----	22403	oysters-----	22419, 22422
O'Mara, J. F.:		South Pacific Canning Co.:	
washed curd cheese-----	² 22413	canned tuna-----	22415
Pappas, Clement, & Co.:		Stowman Bros.:	
canned blueberries-----	22427	oysters-----	22420
Pierce, S. A.:		Union Food Products Co.:	
shelled pecans-----	22437	peanut butter-----	22441
Pierce, Sam A., Inc.:		Unitone Corp.:	
shelled pecans-----	22437	B - amino - complex (B-amino-	
Pillsbury Mills, Inc.:		BAC-complex or Unitone)	
bulk yellow corn-----	22407	tablets-----	¹ 22449
Pratt-Low Preserving Co.:		Wilson Bros. Co.:	
canned spinach-----	22433	dressed poultry-----	22446

¹ (22449) Injunction issued.² (22413, 22442) Prosecution contested. Contains opinion of the court.

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U. S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

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U. S. DEPARTMENT OF AGRICULTURE

22451-22550

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced or delivered for introduction into interstate commerce or while in interstate commerce. These cases involve (1) seizure proceedings in which default or consent decrees of condemnation were entered and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms or individuals* charged to be responsible for violations.

Similar actions with respect to products alleged to be in violation while held for sale after shipment in interstate commerce are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 9, 1956.

CONTENTS

	Page		Page
Candy and sugar.....	168	Fruits and vegetables—Continued	
Candy.....	168	Vegetables and vegetable prod-	
Sugar.....	169	ucts.....	180
Cereals and cereal products.....	169	Tomatoes and tomato products..	183
Bakery products.....	169	Nuts and nut products.....	184
Cornmeal.....	170	Oleomargarine.....	186
Flour.....	170	Poultry.....	187
Miscellaneous cereals.....	171	Spices, flavors, and seasoning ma-	
Eggs.....	175	terials.....	188
Fish and shellfish.....	176	Vitamin, mineral, and other prod-	
Fruits and vegetables.....	179	ucts of special dietary signifi-	
Dried fruit.....	179	cance.....	189
Frozen fruit.....	180	Index.....	190

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22451-22550

Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength; and, Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; and, Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CANDY AND SUGAR

CANDY

22451. Candy. (F. D. C. No. 37848. S. Nos. 78-392/3 L, 2-161 M, 6-166 M, 9-262 M.)

INFORMATION FILED: 4-20-55, E. Dist. Pa., against Falcon Nut & Candy Co., a corporation, Philadelphia, Pa., Mary P. Falcone, president, and Charles J. Falcone, secretary and treasurer.

SHIPPED: 10-13-54 and 10-14-54, from Pennsylvania to California, Indiana, New York, and West Virginia.

LABEL IN PART: "Falcon Cocoanut Brittle with peanuts," "Very Thin Peanut Brittle," "Falcon Dainty Mints," "Peanut Squares," or "Milk Chocolate Covered Dates."

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-9-55. Corporation fined \$250; each individual fined \$25.

22452. Bubble gum. (F. D. C. No. 37837. S. Nos. 60-793 L, 61-666 L, 4-930 M, 6-064 M, 10-049 M, 58-706 M.)

INFORMATION FILED: 4-1-55, N. Dist. Ohio, against Shelby Gum Co., Inc., Shelby, Ohio, and Lutie S. Wilsdon, president.

SHIPPED: Between 8-17-54 and 11-2-54, from Ohio to Indiana, Iowa, Michigan, North Carolina, and Oklahoma.

ACCOMPANYING LABELING: (Wrapper) "E-Z-Blo" or "Super Duper Shelby's Blo Bubble."

CHARGE: 402 (a) (3)—contained insect fragments, beetle fragments, rodent hair fragments, and rodent excreta; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-15-55. Corporation and individual each fined \$500.

SUGAR

22453. Sugar. (F. D. C. No. 38009. S. No. 14-959 M.)

QUANTITY: 700 100-lb. bags in a railroad car at San Jose, Calif.

SHIPPED: 3-18-55, from Corpus Christi, Tex.

RESULTS OF INVESTIGATION: Inspection showed that the railroad car in which the article was shipped was rodent infested.

LIBELED: 4-5-55, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-12-55. Consent—claimed by Southern Pacific Co. of San Francisco, Calif. Segregated, 66 100-lb. bags denatured.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22454. Bakery products. (F. D. C. No. 34834. S. Nos. 8-691/2 L, 8-694/5 L, 8-697 L.)

INFORMATION FILED: On or about 5-15-53, N. Dist. N. Y., against Charles Freihofer Baking Co., Inc., Troy, N. Y., and Charles F. Freihofer, a vice president, and Edwin H. Freihofer, Jr., treasurer and production manager.

SHIPPED: 11-19-52, from New York to Massachusetts.

LABEL IN PART: "Freihofer's Star Rolls Seed [or "Streusel Buns," "Glazed Yeast Raised Doughnuts," or "Butter Parkerhouse"]."

CHARGE: 402 (a) (3)—contained insect fragments and rodent hair fragments; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-14-55. Corporation fined \$1,000; each individual fined \$250.

22455. Armenian bread wafers. (F. D. C. Nos. 38073, 38074. S. No. 14-917 M.)

QUANTITY: 23 cases, 12 1-lb. boxes each, at Oakland and San Francisco, Calif.

SHIPPED: 4-21-55, from Watertown, Mass., by Euphrates Bakery.

LABEL IN PART: (Box) "Euphrates Armenian Bread Wafers Whole Wheat."

LIBELED: 6-15-55, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 8-10-55. Default—destruction.

22456. Armenian bread wafers. (F. D. C. No. 37988. S. No. 16-598 M.)

QUANTITY: 15 cases, 12 1-lb. pkgs. each, at Seattle, Wash.

SHIPPED: 4-8-55 and 4-21-55, from Watertown, Mass., by Euphrates Bakery.

LABEL IN PART: (Pkg.) "Euphrates Armenian Bread Wafers Whole Wheat."

LIBELED: On or about 5-27-55, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-12-55. Default—consumption by animals.

22457. Armenian bread wafers. (F. D. C. No. 38053. S. No. 7-520 M.)

QUANTITY: 9 cases, 12 1-lb. pkgs. each, at Denver, Colo.

SHIPPED: 4-21-55, from Cambridge, Mass., by Euphrates Bakery.

LABEL IN PART: (Pkg.) "Euphrates Armenian Bread Wafers Whole Wheat."

LIBELED: 5-25-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 7-15-55. Default—destruction.

22458. Fruit pies. (F. D. C. No. 37834. S. Nos. 56-261 L, 87-065 L.)

INFORMATION FILED: 4-21-55, S. Dist. Ind., against Famous Pies, Inc., Muncie, Ind., and Warren G. Fruitt, secretary and manager.

SHIPPED: 6-26-54 and 10-28-54, from Indiana to Ohio.

CHARGE: 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-26-55. Corporation and individual each fined \$100, plus costs.

22459. Pizza pies (2 seizure actions). (F. D. C. No. 38064. S. No. 4-067 M.)

QUANTITY: 55 cases, 12 pkgs. each, at Carnegie, Pa.

SHIPPED: 4-25-55, from Ithaca, N. Y., by Daino Products, Inc.

LABEL IN PART: (Pkg.) "Daino Brand Pizza Just Brown & Serve Net Wt. 10 Ozs."

LIBELED: 6-2-55 (39-case lot) and 6-22-55 (16-case lot), W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 6-21-55 (39-case lot); default—destruction. 6-27-55 (16-case lot); consent—destruction.

CORNMEAL

22460. Cornmeal. (F. D. C. No. 37827. S. Nos. 14-283 M, 14-521/2 M.)

INFORMATION FILED: 4-4-55, E. Dist. Mo., against Walter F. Fincher, t/a Moran Milling Co., Bonne Terre, Mo.

SHIPPED: 11-2-54 and 11-3-54, from Missouri to Illinois.

LABEL IN PART: (Bag) "100 Lbs. Net Old Cabin Degerminated Corn Meal [or "Flour"] Yellow Water Washed Air Cleaned."

CHARGE: 402 (a) (3)—contained larvae, larval cast skins, insects, insect fragments, and rodent hair fragments; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-17-55. \$300 fine.

FLOUR

22461. Pastry flour. (F. D. C. No. 38036. S. No. 22-542 M.)

QUANTITY: 660 100-lb. bags at Milwaukee, Wis.

SHIPPED: 3-12-55, from Grand Rapids, Mich., by Watson-Higgins Milling Co.

LABEL IN PART: (Bag) "Perfection Pastry Flour S. B. C. No. 2. Flour."

LIBELED: 5-3-55, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs when shipped.

DISPOSITION: 5-27-55. Consent—claimed by Watson-Higgins Milling Co. Converted to wallpaper paste.

MISCELLANEOUS CEREALS

22462. Corn. (F. D. C. No. 38071. S. No. 21-501 M.)

QUANTITY: 120,800 lbs. at Council Bluffs, Iowa.

SHIPPED: 6-2-55, from Rosalie, Nebr., by Holmquist Grain & Lumber Co.

LIBELED: 6-10-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained human excrement when shipped.

DISPOSITION: 6-16-55. Consent—claimed by Holmquist Elevator Co., Omaha, Nebr. Converted to animal feed.

22463. Corn. (F. D. C. No. 38010. S. No. 8-032 M.)

QUANTITY: 112,000 lbs. at St. Joseph, Mo.

SHIPPED: On 3-22-55, the article was delivered for introduction into interstate commerce at St. Joseph, Mo., for shipment to Sherman, Tex.

RESULTS OF INVESTIGATION: Examination showed that the article contained arsenic and lead as the result of contamination from the railroad car in which the article was loaded. The car had been used for handling flue dust and had not been cleaned properly prior to being loaded.

LIBELED: 4-7-55, W. Dist. Mo.

CHARGE: 402 (a) (2)—contained, when shipped, added poisonous and deleterious substances, arsenic and lead, which are unsafe within the meaning of the law since they are substances not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 4-12-55. Consent—claimed by Stratton-Theis Grain Co., St. Joseph, Mo. Destruction.

22464. Unpopped popcorn. (F. D. C. No. 37888. S. Nos. 7-283 M, 9-912 M, 10-669/70 M.)

INFORMATION FILED: 7-19-55, N. Dist. Iowa, against Tolerton & Warfield Co., a corporation, t/a Robb-Ross Co., Sioux City, Iowa.

SHIPPED: Between 12-1-54 and 12-7-54, from Iowa to Colorado and North Dakota.

LABEL IN PART: (Bag) "Paul Bunyan Hybrid Pop Corn Packed For Fine Foods Incorporated Minneapolis, Minn." or "Robb Ross Hybrid Pop Corn * * * Packed By The Robb-Ross Company Sioux City, Iowa."

CHARGE: 402 (a) (3)—contained rodent excreta pellets, rodent-gnawed kernels, insects, and insect-attacked kernels when shipped.

PLEA: Guilty.

DISPOSITION: 7-21-55. \$300 fine.

22465. Unpopped popcorn. (F. D. C. No. 37951. S. Nos. 853/5 M.)

QUANTITY: 24 cases of white popcorn and 598 cases of yellow popcorn, 12 2-lb. pkgs. each, and 175 50-lb. bags of yellow popcorn at Jacksonville, Fla.

SHIPPED: 2-19-55, from Columbus, Ohio, by Popcorn Growers Exchange, Inc.

LABEL IN PART: (Pkg.) "Tastee Popcorn"; (bag) "Hybrid Yellow 'Finest Under the Sun' Tastee Popcorn."

LIBELED: 4-27-55, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained insects, insect parts, rodent hairs, and rodent- and insect-damaged kernels; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 7-11-55. Default—consumption by animals.

22466. Unpopped popcorn. (F. D. C. No. 37957. S. No. 18-626 M.)

QUANTITY: 380 100-lb. bags at New York, N. Y.

SHIPPED: Between 3-21-55, and 3-24-55, from Hagerstown, Md., by Popcorn Processing Co., Inc.

LIBELED: 5-4-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 6-6-55. Default—destruction.

22467. Unpopped popcorn. (F. D. C. No. 38034. S. No. 2-226 M.)

QUANTITY: 37 cases, 12 2-lb. bags each, and 28 cases, 24 1-lb. bags each, at Hurricane, W. Va.

SHIPPED: 12-27-54 and 1-27-55, from Columbus, Ohio, by Popcorn Growers Exchange.

LABEL IN PART: (Bag) "Tastee Popcorn."

LIBELED: 4-29-55, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insect fragments, rodent excreta, rodent hairs, and rodent- and insect-damaged kernels when shipped.

DISPOSITION: 5-20-55. Default—consumption by animals.

22468. Unpopped popcorn. (F. D. C. No. 37987. S. No. 1-300 M.)

QUANTITY: 67 cases, 24 16-oz. pkgs. each, at Tampa, Fla.

SHIPPED: 9-27-54 and 11-23-54, from Columbus, Ohio, by Popcorn Growers Exchange.

LABEL IN PART: (Pkg.) "Tastee Popcorn."

LIBELED: 5-25-55, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained insects, insect parts, insect-damaged kernels, rodent excreta, and rodent hairs when shipped.

DISPOSITION: 6-17-55. Default—destruction.

22469. Unpopped popcorn (2 seizure actions). (F. D. C. Nos. 38014, 38017. S. Nos. 2-221 M, 2-224 M.)

QUANTITY: 18 cases (2 lots of 10 and 8 cases), 24 16-oz. bags each, and 6 cases, 12 2-lb. bags each, at Dunbar and Charleston, W. Va.

SHIPPED: 12-3-54 and 2-15-55, from Columbus, Ohio, by Popcorn Growers Exchange.

LABEL IN PART: (Bag) "Tastee Popcorn."

LIBELED: 4-7-55 and 4-12-55, S. Dist. W. Va.

CHARGE: 402 (a) (3)—all lots contained rodent excreta, rodent hairs, insect fragments, and insect- and rodent-damaged kernels when shipped; and 402 (a) (4)—the 8-case lot was prepared under insanitary conditions.

DISPOSITION: 5-2-25. Default—consumption by animals.

22470. Unpopped popcorn. (F. D. C. No. 37765. S. Nos. 10-669/70 M.)

QUANTITY: 41 cases, 12 2-lb. bags each, at Fargo, N. Dak.

SHIPPED: 12-1-54, from Sioux City, Iowa, by Robb-Ross Co.

LABEL IN PART: (Bag) "Paul Bunyan Brand Hybrid Pop Corn."

LIBELED: On or about 1-25-55, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained rodent excreta and insects when shipped.

DISPOSITION: 3-15-55. Default—destruction.

22471. Wheat. (F. D. C. No. 37938. S. No. 17-920 M.)

QUANTITY: 100,000 lbs. at Blue Island, Ill.

SHIPPED: 4-5-55, from South Heart, N. Dak., by Farmers Coop Elevator.

LIBELED: 4-20-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 5-11-55. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Converted to animal feed.

22472. Wheat. (F. D. C. No. 38031. S. Nos. 10-011/2 M.)

QUANTITY: 90,180 lbs. at St. Paul, Minn.

SHIPPED: 4-9-55, from Zell, S. Dak., by Farmers Elevator Co.

LIBELED: 5-4-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 5-11-55. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated, 11,380 lbs. converted to animal feed.

22473. Wheat. (F. D. C. No. 38060. S. No. 10-230 M.)

QUANTITY: 100,800 lbs. at Minneapolis, Minn.

SHIPPED: 5-5-55, from Circle, Mont., by Farmers Union Elevator.

LIBELED: 5-26-55, Dist. Minn.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 6-16-55. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated, 6,860 lbs. destroyed.

22474. Wheat. (F. D. C. No. 38089. S. No. 10-034 M.)

QUANTITY: 80,440 lbs. at Minneapolis, Minn.

SHIPPED: 6-23-55, from Rohrville, N. Dak., by Farmers Union Elevator Co.

LIBELED: 7-12-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 7-27-55. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Converted to animal feed.

22475. Wheat. (F. D. C. No. 37795. S. No. 7-947 M.)

QUANTITY: 2,000 bushels at Kansas City, Mo.

SHIPPED: 1-31-55, from Turner, Mont., by Farmers Union Grain Terminal Association.

LIBELED: 2-21-55, W. Dist. Mo.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 3-2-55. Consent—claimed by Farmers Union Grain Terminal Association. Segregated, 5,860 lbs. destroyed.

22476. Wheat. (F. D. C. No. 38065. S. No. 10-237 M.)

QUANTITY: 70,500 lbs. at Minneapolis, Minn.

SHIPPED: 5-17-55, from Perth, N. Dak., by Farmers Union Grain Terminal Association of Superior, Wis.

RESULTS OF INVESTIGATION: Examination showed that the railroad car in which the article was shipped was plugged with excessive dockage.

LIBELED: 6-4-55, Dist. Minn.

CHARGE: 402 (b) (2)—dockage had been substituted in part for wheat when shipped.

DISPOSITION: 6-16-55. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated, 4,000 lbs. disposed of as animal feed.

22477. Wheat. (F. D. C. No. 38023. S. No. 10-572 M.)

QUANTITY: 42,200 lbs. at Minneapolis, Minn.

SHIPPED: 4-7-55, from Dover, N. Dak., by Hanlon Grain Co.

LIBELED: 4-15-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 4-20-55. Consent—claimed by Hanlon Grain Co. Converted to poultry feed.

22478. Wheat. (F. D. C. No. 38062. S. No. 26-003 M.)

QUANTITY: 85,680 lbs. at Minneapolis, Minn.

SHIPPED: 5-20-55, from Maddock, N. Dak., by Maddock Farmers Grain Co.

LIBELED: 6-1-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 6-14-55. Consent—claimed by Maddock Farmers Grain Co. Converted to animal feed.

22479. Wheat. (F. D. C. No. 38059. S. No. 10-594 M.)

QUANTITY: 119,600 lbs. at Minneapolis, Minn.

SHIPPED: 5-10-55, from Oakes, N. Dak., by Oakes Seed & Grain Co.

LIBELED: 5-26-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 6-14-55. Consent—claimed by Oakes Seed & Grain Co. Segregated, 18,960 lbs. converted to animal feed.

22480. Wheat. (F. D. C. No. 38040. S. No. 10-582 M.)

QUANTITY: 56,510 lbs. at Duluth, Minn.

SHIPPED: 4-29-55, from McVile, N. Dak., by Peavey Elevator.

LIBELED: 5-10-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 5-23-55. Consent—claimed by F. H. Peavey & Co., Minneapolis, Minn. Converted to animal feed.

22481. Wheat. (F. D. C. No. 37772. S. No. 10-549 M.)

QUANTITY: 84,100 lbs. at Duluth, Minn.

SHIPPED: 1-17-55, from Willow City, N. Dak., by Victoria Elevator Co.

LIBELED: 1-29-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 2-10-55. Consent—claimed by Victoria Elevator Co. Segregated, 3,600 lbs. denatured for use as animal feed.

22482. Spring wheat. (F. D. C. No. 38072. S. No. 26-017 M.)

QUANTITY: 95,400 lbs. at Minneapolis, Minn.

SHIPPED: 6-3-55, from Fort Pierre, S. Dak., by Stanley County Cooperative Marketing Association.

LIBELED: 6-14-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 6-21-55. Consent—claimed by Stanley County Cooperative Marketing Association. Converted to animal feed.

22483. Spring wheat. (F. D. C. No. 38068. S. No. 25-831 M.)

QUANTITY: 91,500 lbs. at Minneapolis, Minn.

SHIPPED: 5-21-55, from New Town, N. Dak., by Farmers Union Elevator.

LIBELED: 6-7-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 6-16-55. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated, 4,520 lbs. converted to animal feed.

22484. Spring wheat. (F. D. C. No. 38077. S. No. 26-124 M.)

QUANTITY: 31,000 lbs. at Minneapolis, Minn.

SHIPPED: 6-2-55, from Wakonda, S. Dak., by Riley Co.

LIBELED: 6-21-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 6-29-55. Consent—claimed by Riley Co. Converted to animal feed.

EGGS

22485. Eggs. (F. D. C. No. 35814. S. No. 37-556 L.)

INFORMATION FILED: 1-21-55, S. Dist. N. Y., against Harold Cohen and Abraham Friedberg, both of Mountain Dale, N. Y.

SHIPPED: 9-15-53, from Delaware to New York.

CHARGE: 402 (a) (3)—contained decomposed eggs, dead chicks, and dead chick embryos when shipped.

PLEA: Guilty.

DISPOSITION: 8-29-55. Friedberg fined \$250 and given 4-month prison sentence which was suspended; Cohen fined \$100 and imposition of prison sentence suspended. Both defendants placed on probation for 4 months.

22486. Frozen eggs (2 seizure actions). (F. D. C. Nos. 37890, 37929. S. Nos. 5-136 M, 5-141/6 M.)

QUANTITY: 2,418 30-lb. cans at Chicago, Ill.

SHIPPED: Between 6-26-54 and 10-4-54, from Zeeland, Mich., by L. G. Stallkamp.

RESULTS OF INVESTIGATION: The article was packed from shell eggs shipped as described above.

LIBELED: 3-18-55 and 4-12-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 4-11-55 and 4-19-55. Consent—claimed by L. G. Stallkamp. Segregated, 941 30-lb. cans denatured.

22487. Frozen eggs. (F. D. C. No. 37913. S. No. 18-218 M.)

QUANTITY: 450 30-lb. cans at Jersey City, N. J.

SHIPPED: 2-10-55, from Atlantic, Iowa, by Blue Diamond Egg Co.

LIBELED: 3-30-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 4-28-55. Consent—claimed by June Dairy Products Co., Inc., New York, N. Y. Segregated, 91 cans found unfit.

22488. Frozen eggs. (F. D. C. No. 38086. S. No. 18-810 M.)

QUANTITY: 300 30-lb. cans at Zanesville, Ohio.

SHIPPED: 6-20-55, from Farina, Ill., by Brown Produce Co.

LABEL IN PART: (Can) "Fairmount Frozen Whole Eggs Mixed."

LIBELED: 7-7-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 7-27-55. Consent—claimed by Brown Produce Co. Segregated, 47 30-lb. cans destroyed.

22489. Frozen eggs. (F. D. C. No. 37777. S. No. 4-624 M.)

QUANTITY: 300 30-lb. cans at Pittsburgh, Pa.

SHIPPED: 8-28-54, from Oelwein, Iowa, by Wilson & Co., Inc.

LABEL IN PART: "Certified Frose Fresh Frozen Whole Eggs."

LIBELED: 2-2-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 5-10-55. Consent—claimed by Wilson & Co., Inc. Segregated, 17 30-lb. cans destroyed.

FISH AND SHELLFISH

22490. Frozen pollock, frozen ocean perch fillets, and frozen flounder fillets. (F. D. C. No. 37829. S. Nos. 44-656 L, 3-042/3 M.)

INFORMATION FILED: 3-11-55, Dist. Maine, against Burnham & Morrill Co., a corporation, Portland, Maine.

SHIPPED: 10-19-54 and 10-28-54, from Maine to Massachusetts.

LABEL IN PART: "Flounder Fillets * * * Packed by B & M Co. Portland Maine" or "Skinless Pollock [or "O. Perch Fill."] * * * Dist' by N. E. Fillet Co. Boston Mass."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

PLEA: Nolo contendere.

DISPOSITION: 5-6-55. \$100 fine.

22491. Frozen ocean perch fillets. (F. D. C. No. 37892. S. No. 4-950 M.)

QUANTITY: 594 cases, 5 10-lb. boxes each, at Chicago, Ill.

SHIPPED: 2-4-55, from Portland, Maine, by Deep Sea Fillet Corp.

LABEL IN PART: (Wrapper) "Deep Sea Brand Ocean Perch Fillets Frozen."

LIBELED: 3-18-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 6-9-55. Default—destruction.

22492. Frozen ocean perch fillets. (F. D. C. No. 37891. S. No. 2-458 M.)

QUANTITY: 500 cases, 5 10-lb. boxes each, at Richmond, Va.

SHIPPED: 2-14-55, from Portland, Maine, by Deep Sea Fillet Corp.

LABEL IN PART: (Wrapper) "Deep Sea Brand Ocean Perch Fillets Frozen."

LIBELED: 3-17-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 4-26-55. Default—portion delivered to United States Fish & Wildlife Service, Blacksburg, Va., and remainder destroyed.

22493. Frozen ocean perch fillets. (F. D. C. No. 38007. S. No. 7-821 M.)

QUANTITY: 269 cases, 5 10-lb. cartons each, at Fort Sill, Okla.

SHIPPED: 1-28-55, from Portland, Maine, by Deep Sea Fillet Corp.

LABEL IN PART: "Deep Sea Brand Ocean Perch Fillets Frozen."

LIBELED: 3-31-55, W. Dist. Okla.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 5-9-55. Default—consumption by animals.

22494. Frozen ocean perch fillets. (F. D. C. No. 38056. S. No. 11-059 M.)

QUANTITY: 241 50-lb. cases at Mobile, Ala.

SHIPPED: 2-4-55, from Portland, Maine, by Deep Sea Fillet Corp.

LABEL IN PART: (Wrapper) "Deep Sea Brand Ocean Perch Fillets Quick Frozen."

LIBELED: 5-26-55, S. Dist. Ala.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 6-27-55. Default—converted to fertilizer.

22495. Frozen ocean perch fillets (2 seizure actions). (F. D. C. No. 37801. S. Nos. 8-030/1 M.)

QUANTITY: 233 cases, 5 10-lb. cartons each, at Kansas City, Kans.

SHIPPED: 1-7-55, from Portland, Maine, by Deep Sea Fillet Corp.

LABEL IN PART: (Carton) "Deep Sea Brand Ocean Perch Fillets Frozen."

LIBELED: 3-9-55 and 3-29-55, Dist. Kans.

CHARGE: 402 (a) (3)→contained decomposed fish when shipped.

DISPOSITION: 4-21-55 and 5-17-55. Default—destruction.

22496. Frozen ocean perch fillets. (F. D. C. No. 38020. S. No. 14-328 M.)

QUANTITY: 218 cases, 5 10-lb. cartons each, at Fort Leonard Wood, Mo.

SHIPPED: 2-10-55, from Portland, Maine, by Deep Sea Fillet Corp.

LABEL IN PART: (Carton) "Deep Sea Brand Ocean Perch Fillets Frozen."

LIBELED: 4-20-55, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 6-1-55. Default—destruction.

22497. Frozen ocean perch fillets. (F. D. C. No. 37807. S. No. 15-339 M.)

QUANTITY: 155 cases, 12 1-lb. pkgs. each, at South San Francisco, Calif.

SHIPPED: 2-19-55, from Gloucester, Mass., by Brighton Fish Co.

LABEL IN PART: (Pkg.) "Captain's Choice Brand * * * Ocean Perch Fillets Fresh - Frozen."

LIBELED: 3-10-55, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 4-19-55. Default—destruction.

22498. Fish roe. (F. D. C. No. 37925. S. Nos. 18-332 M, 18-337 M.)

QUANTITY: 4 bbls., 235 lbs. each, at New York, N. Y.

SHIPPED: 2-16-55, from Ellison Bay, Wis., by Clyde Olson.

LIBELED: 4-12-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained parasitic worms when shipped.

DISPOSITION: 5-3-55. Default—destruction.

22499. Oysters. (F. D. C. No. 38003. S. No. 17-565 M.)

QUANTITY: 784 1-pt. cans in 5 bbls. at Lock Haven, Pa.

SHIPPED: 3-23-55, from Crisfield, Md., by George A. Christy & Son.

LABEL IN PART: "Christy's Choice Quality Oysters Standards."

LIBELED: 3-25-55, M. Dist. Pa.

CHARGE: 402 (b) (4)—water had been added to the article and mixed and packed with it.

DISPOSITION: 7-21-55. Default—destruction.

22500. Oysters. (F. D. C. No. 37906. S. Nos. 17-028/9 M.)

QUANTITY: 2 bbls., 144 1-pint cans each, at Baltimore, Md.

SHIPPED: On 3-21-55, the article was delivered for shipment in interstate commerce to Louisville, Ky., by Bay Food Products Co., Rock Point, Md.

LABEL IN PART: (Can) "Cap'n John's Fresh Oysters * * * Standards [or "Selects"]."

LIBELED: On or about 3-24-55, Dist. Md.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them.

DISPOSITION: 4-14-55. Default—destruction.

22501. Canned oysters. (F. D. C. No. 38028. S. No. 11-013 M.)

QUANTITY: 1,172 cases, 24 4 $\frac{2}{3}$ -oz. cans each, at Bayou La Batre, Ala.

SHIPPED: Between 3-5-55 and 3-29-55, from Gulfport, Miss., by Parks Seafood Co.

LABEL IN PART: (Can) "Dunbar Brand Cove Oysters."

LIBELED: 4-19-55, S. Dist. Ala.

CHARGE: 402 (a) (3)—contained decomposed oysters when shipped.

DISPOSITION: 5-23-55. Consent—claimed by McPhillips Packing Corp., Mobile, Ala. Segregated, 208 cases destroyed.

22502. Canned oysters. (F. D. C. No. 38025. S. Nos. 11-343/4 M.)

QUANTITY: 754 cases, 24 4 $\frac{2}{3}$ -oz. cans each, at Harvey, La.

SHIPPED: 4-6-55, from Biloxi, Miss., by Southern Shell Fish Co., Inc.

LIBELED: 4-15-55, E. Dist. La.

CHARGE: 402 (a) (3)—contained decomposed oysters when shipped.

DISPOSITION: 5-5-55. Consent—claimed by Southern Shell Fish Co., Inc., Harvey, La. Segregated, 178 13 $\frac{1}{24}$ cases destroyed.

22503. Canned shrimp. (F. D. C. No. 37808. S. No. 11-330 M.)

QUANTITY: 396 cases, 24 5-oz. cans each, at Gulfport, Miss.

SHIPPED: 1-28-55, from Toronto, Canada. This was a return shipment.

LABEL IN PART: (Can) "Sea Beach Brand Shrimp Small Wet Pack * * *
Distributed by Biloxi Canning & Packing Co. Inc., Biloxi, Miss."

LIBELED: 3-10-55, S. Dist. Miss.

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped.

DISPOSITION: 5-7-55. Default—destruction.

22504. Frozen breaded shrimp. (F. D. C. No. 37973. S. No. 5-230 M.)

QUANTITY: 77 cases, 24 10-oz. pkgs. each, at Miami, Fla.

SHIPPED: 4-5-55, from Chicago, Ill. This was a return shipment.

LABEL IN PART: (Pkg.) "Angel Frost Breaded ready to fry. Fantail Shrimp."

LIBELED: 5-12-55, S. Dist. Fla.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 6-9-55. Default—destruction.

FRUITS AND VEGETABLES

DRIED FRUIT

22505. Raisins. (F. D. C. No. 38310. S. No. 5-332 M.)

QUANTITY: 69 cases, 24 15-oz. cartons each, at Green Bay, Wis.

SHIPPED: 7-19-55, from Selma, Calif., by West Coast Growers & Packers, Inc.

LABEL IN PART: (Carton) "Cinderella Seeded Raisins."

LIBELED: 8-29-55; amended 9-6-55, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (2) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 9-28-55. Default—destruction.

22506. Raisins. (F. D. C. No. 38312. S. No. 10-263 M.)

QUANTITY: 44 cases, 24 15-oz. cartons each, at Cedar Rapids, Iowa.

SHIPPED: 7-12-55, from Fresno, Calif., by El Mar Packing Co.

LABEL IN PART: (Carton) "Our Family Seedless Raisins."

LIBELED: 9-1-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects, insect parts, and insect webbing; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 9-30-55. Default—destruction.

FROZEN FRUIT**22507. Frozen strawberries.** (F. D. C. No. 38104. S. No. 11-237 M.)

QUANTITY: 421 30-lb. cans at Dallas, Tex.

SHIPPED: 6-22-55, from Sanger, Calif., by Glacier Packing Co.

LIBELED: 8-3-55, N. Dist. Tex.

CHARGE: 402 (a) (3)—contained decomposed strawberries and dirty strawberries when shipped.

DISPOSITION: 9-6-55. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS**22508. Cranberry beans.** (F. D. C. No. 38044. S. No. 2-230 M.)

QUANTITY: 103 cases, 12 2-lb. bags each, at Mullens, W. Va.

SHIPPED: 3-15-55, from Lowell, Mich., by C. H. Runciman Co.

LABEL IN PART: (Bag) "Jane Brand Number One Grade Michigan Cranberry (October) Beans."

LIBELED: 5-13-55, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained moldy cranberry beans when shipped.

DISPOSITION: 6-27-55 and 7-6-55. Default—destruction.

22509. Canned sliced beets. (F. D. C. No. 37984. S. No. 17-574 M.)

QUANTITY: 39 cases, 24 1-lb. cans each, at Baltimore, Md.

SHIPPED: 2-28-55, from Penn Yan, N. Y., by Comstock Foods, Inc.

LABEL IN PART: "Premier Dietetic Pack."

LIBELED: 5-19-55, Dist. Md.

CHARGE: 403 (j)—the article when shipped purported to be and was represented as a food for special dietary use by reason of its use as a means of regulating the intake of sodium, and its label failed to bear, as required by regulations, a statement of the number of milligrams of sodium per 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food.

DISPOSITION: 6-15-55. Default—delivered to a charitable institution.

22510. Canned corn. (F. D. C. No. 38027. S. No. 13-968 M.)

QUANTITY: 1,466 cases, 24 1-lb., 1-oz. cans each, at Memphis, Tenn.

SHIPPED: Between 3-16-55 and 3-29-55, from Hoopeston, Ill., by Illinois Canning Co.

LABEL IN PART: (Can) "Pride of Illinois Very Young Cream Style Country Gentlemen White Sweet Corn."

LIBELED: 4-21-55, W. Dist. Tenn.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-11-55. Consent—claimed by Illinois Canning Co. Segregation disclosed that of the 346 cases seized, none were from the codes which were sampled and found to contain worms and worm fragments. The codes seized were found to be in compliance and were released.

22511. Canned corn. (F. D. C. No. 38030. S. No. 19-339 M.)

QUANTITY: 470 cases, 24 1-lb., 1/2-oz. cans each, at Cincinnati, Ohio.

SHIPPED: 2-23-55, from Gibson City, Ill., by Stokely-Van Camp, Inc.

LABEL IN PART: (Can) "Stokely's Finest * * * White Country Gentleman Cream Style Corn."

LIBELED: 4-21-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-23-55. Default—consumption by animals.

22512. Canned corn. (F. D. C. No. 37820. S. No. 19-328 M.)

QUANTITY: 199 cases, 24 cans each, at Cincinnati, Ohio.

SHIPPED: 2-1-55, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "White Villa Cream Style Corn * * * Contents 11 Oz. Avd."

LIBELED: 3-17-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 4-29-55. Default—consumption by animals.

22513. Canned corn. (F. D. C. No. 37812. S. No. 14-640 M.)

QUANTITY: 99 cases, 48 No. 1 cans each, at St. Louis, Mo.

SHIPPED: 1-27-55, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "De-Soto Brand Cream Style Country Gentleman Corn."

LIBELED: 3-11-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 4-13-55. Default—destruction.

22514. Canned corn. (F. D. C. No. 38001. S. No. 6-661 M.)

QUANTITY: 89 cases, 24 11-oz. cans each, at Dayton, Ohio.

SHIPPED: 12-17-54, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "White Villa Cream Style White Corn."

LIBELED: 3-25-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-7-55. Default—consumption by animals.

22515. Canned corn. (F. D. C. No. 37784. S. No. 6-041 M.)

QUANTITY: 31 cases, 48 8 3/4-oz cans each, at Nashville, Tenn.

SHIPPED: 1-7-55, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "Colonial Cream Style Country Gentleman White Sweet Corn."

LIBELED: 2-8-55, M. Dist. Tenn.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 5-19-55. Default—consumption by animals.

22516. Canned hominy. (F. D. C. No. 38055. S. No. 13-290 M.)

QUANTITY: 40 cases, 24 9½-oz. cans each, at Hanover, Pa.

SHIPPED: 1-4-55, from Washington, D. C. This was a return shipment.

LABEL IN PART: (Can) "Banjo Vacuum Packed White Hominy."

LIBELED: 6-8-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—unfit for food by reason of discoloration and lacquer peeling from can lining.

DISPOSITION: 7-21-55. Default—destruction.

22517. Olives. (F. D. C. No. 37945. S. Nos. 2-477/8 M.)

QUANTITY: 84 cases, 24 3-oz. jars each, and 90 cases, 24 4½-oz. jars each, at Landover, Md.

SHIPPED: 3-21-55, from Brooklyn, N. Y., by Mawer-Gulden-Annis, Inc.

LABEL IN PART: (Jar) "Grandee Spanish Olives Stuffed With Spanish Sweet Peppers."

LIBELED: On or about 4-18-55, Dist. Md.

CHARGE: 402 (a) (2)—when shipped contained an added deleterious substance, glass fragments, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 5-12-55. Consent—claimed by Mawer-Gulden-Annis, Inc. Reprocessed by washing, and repacked.

22518. Canned sauerkraut (2 seizure actions). (F. D. C. Nos. 36406, 36692. S. Nos. 41-663 L, 82-345 L.)

QUANTITY: 101 cases, 6 6-lb., 4-oz. cans each, and 43 cases, 24 1-lb., 11-oz. cans each, at Philadelphia and York, Pa.

SHIPPED: 1-20-54 and 1-28-54, from Phelps, N. Y., by Seneca Kraut & Pickling Co.

LABEL IN PART: (Can) "Seneca Brand Sauerkraut."

LIBELED: 3-1-54, E. Dist. Pa.; 3-18-54, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: Pursuant to an agreement between Seneca Kraut & Pickling Co., claimant, and the Government, an order was entered by the United States District Court for the Eastern District of Pennsylvania on 4-28-54, providing that the libel action pending in the Middle District of Pennsylvania be consolidated for trial with that pending in the Eastern District of Pennsylvania. Subsequently, the claimant filed an answer denying that the article was adulterated as alleged in the libels. Thereafter, interrogatories were served upon the claimant by the Government and were answered.

On 6-27-55, the Government filed a motion for a summary judgment on the ground that there was no genuine issue of material fact. On 9-22-55, the

claimant having consented to the entry of a decree, an order was entered condemning the articles. The 101-case lot was destroyed, and the 43-case lot was used for animal feed.

TOMATOES AND TOMATO PRODUCTS

22519. Canned tomatoes. (F. D. C. No. 37813. S. No. 3-793 M.)

QUANTITY: 95 cases, 24 1-lb., 3-oz. cans each, at East Syracuse, N. Y.

SHIPPED: 1-14-55, from Codorus, Pa., by Codorus Canning Co.

LABEL IN PART: (Can) "Ideal Brand Selected Hand Packed Tomatoes."

LIBELED: 3-12-55, N. Dist., N. Y.

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 5-6-55. Default—destruction.

22520. Canned tomatoes. (F. D. C. No. 38000. S. No. 13-514 M.)

QUANTITY: 89 cases, 24 1-lb. cans each, at Mount Carmel, Pa.

SHIPPED: 9-9-52, from Drawbridge, Md., by Robbins Bros.

LABEL IN PART: (Can) "Pride of the Farm Brand * * * Tomatoes."

LIBELED: 3-22-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 7-21-55. Default—destruction.

22521. Tomato catsup. (F. D. C. No. 37774. S. Nos. 4-115/6 M.)

QUANTITY: 1,037 cases, 6 7-lb., 3-oz. cans each, at McKeesport, Pa.

SHIPPED: 9-29-54 and 10-4-54, from Wilson, N. Y., by Wilson Canning Co.

LABEL IN PART: (Can) "Tomato Catsup Pomco Fancy" and "Tomato Catsup Pomco."

LIBELED: 2-2-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-11-55. Consent—destruction.

22522. Tomato juice. (F. D. C. No. 37744. S. Nos. 10-370/1 M.)

QUANTITY: 526 cases, 12 1-qt., 14-oz. cans each, at St. Paul, Minn.

SHIPPED: 11-12-54, from Hamler, Ohio, by Bauer Canneries, Inc.

LABEL IN PART: (Can) "Table Hints Brand * * * Tomato Juice" and "Bauer Tomato Juice."

LIBELED: 1-15-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained fly eggs and decomposed tomato material when shipped.

DISPOSITION: 3-1-55. Default—destruction.

22523. Tomato juice. (F. D. C. No. 37780. S. No. 13-255 M.)

QUANTITY: 408 cases, 12 1-qt., 14-oz. cans each, at West Milton, Pa.

SHIPPED: 12-3-54, from New Brunswick, N. J. This was a return shipment.

LIBELED: 2-4-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed tomato material.

DISPOSITION: 3-14-55. Default—destruction.

22524. Tomato juice. (F. D. C. No. 37738. S. No. 10-125 M.)

QUANTITY: 332 cases, 12 1-qt., 14-oz. cans each, at St. Paul, Minn.

SHIPPED: 11-4-54, from Defiance, Ohio, by Lutz Bros. Canning Co.

LABEL IN PART: (Can) "Golden Treat Brand Tomato Juice."

LIBELED: 1-11-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-1-55. Default—destruction.

NUTS AND NUT PRODUCTS

22525. Blanched cashew nuts. (F. D. C. No. 38004. S. No. 19-223 M.)

QUANTITY: 219 cases, 2 25-lb. tins each, at Cleveland, Ohio.

SHIPPED: 2-25-55, from Chicago, Ill., by J. F. Murry Importing Co., Inc.

LABEL IN PART: "Cashew Kernels * * * Produce of India."

LIBELED: 3-31-55, N. Dist. Ohio; libel amended on or about 4-13-55.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 4-13-55. Consent—claimed by J. F. Murry Importing Co., Inc.
Segregated, 1,200 lbs. denatured.

22526. Shelled peanuts. (F. D. C. No. 37903. S. No. 17-014 M.)

QUANTITY: 30,007 lbs. at Suffolk, Va.

SHIPPED: 12-13-54, from Edenton, N. C., by Albemarle Peanut Co., Inc.

LIBELED: 3-24-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and
402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 6-8-55. Consent—claimed by Albemarle Peanut Co., Inc. The
peanuts were satisfactorily reconditioned by screening, blowing, repeated
screening, washing, drying, and rebagging. This operation resulted in the
removal of approximately 1,400 lbs. of unfit material.

22527. Shelled peanuts. (F. D. C. No. 38046. S. No. 9-054 M.)

QUANTITY: 15 115-lb. bags at Downey, Calif.

SHIPPED: 3-18-55, from Portales, N. Mex., by Portales Valley Mills, Inc.

LIBELED: 5-16-55, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained dirty peanuts when shipped.

DISPOSITION: 6-14-55. Consent—claimed by All American Nut Co., Inc.,
Downey, Calif. Denatured.

22528. Unshelled peanuts. (F. D. C. No. 37966. S. No. 1-794 M.)

QUANTITY: 2,464 bags (263,025 lbs.) at Suffolk, Va.

SHIPPED: 4-15-55 and 4-18-55, from Conway, N. C., by Lummis & Co. (S. G.
Askew Warehouse).

RESULTS OF INVESTIGATION: An inspection of Lummis & Co. (S. G. Askew Ware-
house), Conway, N. C., revealed the existence of insanitary conditions which
would result in the contamination of the stored article.

LIBELED: 5-9-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained insects and rodent excreta; and 402 (a) (4)—
held under insanitary conditions.

DISPOSITION: 6-16-55. Consent—claimed by Lummis & Co. Segregated, 272 lbs. destroyed.

22529. Peanuts (oil stock). (F. D. C. 37810. S. No. 10-928 M.)

QUANTITY: 30,543 lbs. in 300 bags at Enterprise, Ala.

SHIPPED: 2-18-55, from Suffolk, Va., by Lummis & Co.

LIBELED: 3-9-55, M. Dist. Ala.

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hairs when shipped.

DISPOSITION: 4-20-55. Consent—claimed by Lummis & Co. and converted to nonedible oil for industrial uses.

22530. Peanuts (oil stock). (F. D. C. No. 37809. S. No. 10-922 M.)

QUANTITY: 23,252 lbs. at Enterprise, Ala.

SHIPPED: 2-18-55, from Dublin, N. C., by Southern Peanut Co., Inc.

LIBELED: 3-4-55, M. Dist. Ala.

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 4-7-55. Consent—claimed by Southern Peanut Co., Inc., and converted to nonedible oil for industrial uses.

22531. Peanuts (oil stock) and peanut germ. (F. D. C. No. 37773. S. No. 10-923 M.)

QUANTITY: 20,952 lbs. at Enterprise, Ala.

SHIPPED: 2-17-55, from Donalsonville, Ga., by Planters Products Co.

LIBELED: 3-4-55, M. Dist. Ala.

CHARGE: 402 (a) (3)—contained rodent excreta, insects, and insect excreta when shipped.

DISPOSITION: 4-20-55. Consent—claimed by Planters Products Co. and converted to nonedible denatured oil for industrial uses.

22532. Peanut butter. (F. D. C. No. 36603. S. Nos. 63-835 L, 86-571 L.)

INFORMATION FILED: 9-29-54, S. Dist. Ind., against Goody Goody Products Co., a corporation, Indianapolis, Ind.

SHIPPED: Between 12-5-53 and 1-21-54, from Indiana to Illinois and Ohio.

LABEL IN PART: (Jar) "Goody-Goody Peanut Butter."

CHARGE: 402 (a) (3)—contained rodent excreta, rodent hair fragments, insect fragments, and sawtooth beetle larval head capsules; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-16-55. \$400 fine, plus costs.

22533. Shelled pecans. (F. D. C. No. 37866. S. Nos. 5-624/5 M.)

INFORMATION FILED: 5-19-55, S. Dist. Ala., against Frank J. Finklea, t/a Finklea Pecan Co., Mobile, Ala.

SHIPPED: 11-17-54, from Alabama to Illinois.

LABEL IN PART: (Box) "Amber Pecan Meats 50 Lbs. Net Wt. Southern Jewel Pecans" and "Small Pecan Pieces 25 Lbs. Net Wt."

CHARGE: 402 (a) (3)—contained *Escherichia coli* of fecal origin; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-6-55. The defendant was fined \$100 of which \$50 was remitted, and he was placed on 3 years' probation.

22534. Shelled pecans (2 seizure actions). (F. D. C. Nos. 37790, 37794. S. Nos. 7-985 M, 7-988/9 M.)

QUANTITY: 122 30-lb. cases at Kansas City, Kans.

SHIPPED: 1-13-55 and 1-24-55, from Ardmore, Okla., by H. A. Pruitt Produce Co.

LABEL IN PART: "Medium Pieces [or "Small Pieces"] Southern Belle Brand Shelled Pecans."

LIBELED: 2-18-55 and 3-1-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained larvae when shipped.

DISPOSITION: 3-25-55. Consent—claimed by Standard Brands Inc., New York, N. Y. Segregated, 83¼ lbs. destroyed.

22535. Shelled pecans. (F. D. C. No. 37791. S. No. 7-985 M.)

QUANTITY: 20 30-lb. cases at St. Louis, Mo.

SHIPPED: 1-13-55, from Ardmore, Okla., by H. A. Pruitt Produce Co., to Kansas City, Kans., and from there to St. Louis, Mo.

LIBELED: 2-17-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained larvae when shipped.

DISPOSITION: 3-16-55. Default—destruction.

22536. Shelled pecans. (F. D. C. No. 37783. S. No. 10-059 M.)

QUANTITY: 6 30-lb. cartons at Boone, Iowa.

SHIPPED: 1-14-55, from Chicago, Ill., by Ace Pecan Co.

LIBELED: 2-8-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained larvae when shipped.

DISPOSITION: 2-23-55. Consent—delivered to Audubon Society for use as bird feed.

22537. Shelled black walnuts. (F. D. C. No. 37811. S. No. 8-135 M.)

QUANTITY: 50 40-lb. cartons at Wichita, Kans.

SHIPPED: 10-28-54, from Bolivar, Mo., by Barnes & Son Shelling Co.

LABEL IN PART: (Carton) "S Mediums * * * Shelled Black Walnuts Pasteurized."

LIBELED: 3-21-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained *E. coli*; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-9-55. Consent—claimed by D. R. Barnes & Son Co., Bolivar, Mo. Reconditioned by pasteurization.

OLEOMARGARINE

22538. Oleomargarine. (F. D. C. No. 38041. S. No. 7-519 M.)

QUANTITY: 17 cases, 30 1-lb. cartons each, at Denver, Colo.

SHIPPED: 1-15-55 and 1-28-55, from Fort Worth, Tex., by Fort Worth Poultry & Egg Co. and Armour & Co.

LABEL IN PART: (Carton) "Yellow * * * Armour Star Cloverbloom '99' Vegetable Oleomargarine."

LIBELED: 5-16-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained mold when shipped.

DISPOSITION: 7-11-55. Default—consumption by animals.

POULTRY

22539. Dressed poultry. (F. D. C. No. 36665. S. Nos. 50-537 L, 51-948 L.)

INFORMATION FILED: 11-15-54, M. Dist. N. C., against Holly Farms Poultry Co., Inc., Wilkesboro, N. C.

SHIPPED: 7-25-53 and 4-12-54, from North Carolina to New York.

LABEL IN PART: "NYD Hens [or "Fowl"] B Gr."

CHARGE: 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 9-13-55. \$500 fine.

22540. Dressed poultry (turkeys and chickens). (F. D. C. No. 34856. S. Nos. 49-543 L, 49-551 L, 57-375 L.)

INFORMATION FILED: 7-7-53, Dist. Md., against Caroline Poultry Farms, Inc., Federalsburg, Md.

SHIPPED: Between 11-18-52 and 4-16-53, from Maryland to New Jersey and the District of Columbia.

CHARGE: 402 (a) (3)—contained when shipped turkeys contaminated with fecal material, decomposed turkeys, turkeys contaminated with feed material from ruptured esophagi, and chickens contaminated with crop material, dirt, and miscellaneous debris; and 402 (a) (5)—contained diseased turkeys.

PLEA: Guilty.

DISPOSITION: 2-5-54. \$1,000 fine, plus costs.

22541. Dressed turkeys. (F. D. C. No. 37847. S. No. 11-866 M.)

INFORMATION FILED: 4-1-55, E. Dist. Va., against Charles H. Traylor, Jr., at the time of the alleged shipment, president of the Pocahontas Poultry Co., Inc., Wakefield, Va.

SHIPPED: 12-20-54, from Virginia to New York.

CHARGE: 402 (a) (3)—contained turkeys contaminated with dirt and extensively bruised turkeys; and 402 (a) (5)—contained diseased turkeys when shipped.

PLEA: Guilty.

DISPOSITION: 7-12-55. \$200 fine.

22542. Dressed poultry. (F. D. C. No. 37956. S. No. 3-703 M.)

QUANTITY: 627 lbs. in 9 boxes at Boston, Mass.

SHIPPED: 4-19-55, from Newport, Maine, by Newport Poultry Co.

LIBELED: 4-28-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and decomposed birds; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 5-11-55. Default—destruction.

22543. Dressed poultry. (F. D. C. No. 37939. S. No. 17-096 M.)

QUANTITY: 3 crates at Baltimore, Md.

SHIPPED: 4-6-55, from Morganton, N. C., by Breeden Poultry & Egg Co.

LABEL IN PART: (Crate) "Pride of the Blue Ridge Fresh Dressed Poultry
25 Hd B Fryers 54# [or other weights]."

LIBELED: On or about 4-14-55, Dist. Md.

CHARGE: 402 (a) (3)—contained when shipped birds which were contaminated with dirt, feathers, and other foreign material.

DISPOSITION: 5-12-55. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

22544. Hulled sesame seed. (F. D. C. No. 37800. S. No. 13-854 M.)

QUANTITY: 1 100-lb. bag at Galesburg, Ill.

SHIPPED: 1-28-55, from St. Louis, Mo., by Jas. H. Forbes Tea & Coffee Co.

LABEL IN PART: "Hulled Sesame Seed Chamorroy Enrique Ale Jandro * * *
Product of Nicaragua."

LIBELED: 3-3-55, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained beetles when shipped.

DISPOSITION: 4-14-55. Default—destruction.

22545. Vanillin-coumarin flavoring. (F. D. C. No. 37365. S. No. 87-101 L.)

QUANTITY: 13 1-gal. btls., at Muncie, Ind.

SHIPPED: 4-13-53, from Battle Creek, Mich., by R. W. Snyder Co., Inc.

LABEL IN PART: (Btl.) "Snyder's Battle Creek No. 7 Vanillin-Coumarin
Compound."

LIBELED: 11-12-54, S. Dist. Ind.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous or deleterious substance, coumarin, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 1-13-55. Default—destruction.

22546. Imitation vanilla flavor. (F. D. C. No. 37677. S. No. 7-324 M.)

QUANTITY: 22 cases, 12 8-oz. btls. each, at Gallup, N. Mex.

SHIPPED: Between 9-4-54 and 1-24-55, from Fort Worth, Tex., by Kimbell Food Products Co.

LABEL IN PART: (Btl.) "Diamond Brand * * * Imitation Vanilla Flavor."

LIBELED: 2-21-55, Dist. N. Mex.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, coumarin, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 3-30-55. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE *

22547. West's Sodeom tablets, West's Imported Sea Vegetation tablets, and F Y A tablets. (F. D. C. No. 37623. S. Nos. 17-284/6 M.)

QUANTITY: 81 100-tablet btls., 65 240-tablet btls., and 144 400-tablet btls. of West's Sodeom tablets; 9 240-tablet btls. and 1 400-tablet btl. of West's Imported Sea Vegetation tablets; and 2 240-tablet btls. of F Y A tablets at Baltimore, Md.

SHIPPED: 12-7-54, from Los Angeles, Calif. This was a return shipment.

LABEL IN PART: "West's Sodeom" and "F Y A Tablets."

RESULTS OF INVESTIGATION: Analyses showed that all lots contained less than the declared amounts of vitamin A and that the West's Sodeom tablets contained less than the declared amount of vitamin C.

LIBELED: On or about 1-24-55, Dist. Md.

CHARGE: 402 (b) (1)—valuable constituents, vitamin A (all lots) and vitamin C (West's Sodeom tablets), had been in part omitted or abstracted from the articles; and 403 (a)—the label statements "Each 16 Tablets average following approximate totals: 4000 U. S. P. units Vitamin A" (all lots) and "Each 16 Tablets average following approximate totals: * * * 600 U. S. P. units Vitamin C" (West's Sodeom tablets) were false and misleading.

DISPOSITION: 3-8-55. Default—destruction.

22548. West's Vi-Linn. (F. D. C. Nos. 37639, 37651. S. Nos. 82-921 L, 4-933 M.)

QUANTITY: 93 1-lb. cans (two lots of 42 and 51 cans) at Hammond, Ind.

SHIPPED: Between 9-10-54 and 10-21-54, from Baltimore, Md., by Mineralized Foods, Inc.

LABEL IN PART: "West's Vi-Linn (Chocolate Flavored) * * * Four (4) Delicious 'West's Vi-Linn' Drinks Made as Directed and Containing 2 Oz. of West's Vi-Linn Average the Following Approximate Total 5 Mgs. Food Iron . . . $\frac{1}{2}$ Daily Minimum Adult Requirement 4 Mgs. Food Iodine . . . 40 Times More Than Daily Minimum Adult Requirement * * * 200 Mgs. Food Calcium . . . $\frac{1}{4}$ Daily Minimum Adult Requirement * * * 250 U. S. P. Units Vitamin B-1 (Thiamine) . . . $\frac{3}{4}$ Daily Minimum Adult Requirement."

RESULTS OF INVESTIGATION: Analyses showed that the 42-can lot contained less than the declared amounts of iron, iodine, and calcium, and that the 51-can lot contained less than the declared amount of vitamin B₁.

LIBELED: 2-24-55, N. Dist. Ind.

CHARGE: 402 (b) (1)—valuable constituents, iron, iodine, and calcium (42-can lot), and vitamin B₁ (51-can lot), had been in part omitted or abstracted from the article; and 403 (a)—the label statements "2 Oz. of West's Vi-Linn Average the Following Approximate Total 5 Mgs. Food Iron * * * 4 Mgs. Food Iodine * * * 200 Mgs. Food Calcium" and "2 Oz. of West's Vi-Linn Average the Following Approximate Total 250 U. S. P. Units Vitamin B-1" were false and misleading.

DISPOSITION: 4-4-55. Default—destruction.

*See also No. 22509.

22549. Special Formula capsules. (F. D. C. No. 38006. S. No. 15-172 M.)

QUANTITY: 98 100-capsule btls. at Oakland, Calif.

SHIPPED: 11-3-54, from Philadelphia, Pa., by Richlyn Laboratories.

RESULTS OF INVESTIGATION: Investigation revealed that the capsules were shipped in bulk in a container labeled in part "57,000 Capsules * * * Special Formula Special Number 1 Pink/Yellow Capsules Each Capsule Contains * * * Thiamin 3 Mg" and were subsequently repackaged by the consignee into the 100-capsule bottles.

Analysis showed that the article contained 67 percent of the declared amount of vitamin B₁ (thiamine).

LIBELED: 4-5-55, N. Dist. Calif.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article when shipped.

DISPOSITION: 5-27-55. Default—destruction.

22550. Mineral and vitamin supplement for poultry. (F. D. C. No. 37821. S. No. 10-138 M.)

QUANTITY: 78 50-lb. bags at St. Paul, Minn.

SHIPPED: Between 10-29-54 and 12-10-54, from Oelwein, Iowa, by Oelwein Chemical Co., Inc.

LABEL IN PART: "Mineral and Vitamin Supplement for Poultry."

RESULTS OF INVESTIGATION: Analysis revealed that the article contained only 27 percent of the declared amount of vitamin D₃.

LIBELED: 3-18-55, Dist. Minn.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D₃, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Vitamin Guarantee Vitamin D₃ — — — 3000 I. C. Units Per Lb." was false and misleading.

DISPOSITION: 5-10-55. Consent—claimed by Oelwein Chemical Co., Inc., and relabeled.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22451 TO 22550

PRODUCTS

	N. J. No.		N. J. No.
Armenian bread wafers	22455-22457	Cornmeal	22460
Bakery products	22454-22459	Cranberry beans	22508
Beans, cranberry	22508	Doughnuts	22454
Beets, sliced, canned	22509	Eggs	22485
Bread and rolls	22454-22457	frozen	22486-22489
Bubble gum	22452	F Y A tablets	22547
Candy	22451	Fish and shellfish	22490-22504
Cashew nuts, blanched	22525	Flavors. See Spices, flavors, and seasoning materials.	
Catsup, tomato	22521	Flounder fillets, frozen	22490
Cereals and cereal products	22454- 22484	Flour, pastry	22461
Corn	22462, 22463	Fruits and vegetables	¹ 22505-22524
canned	22510-22515		

¹ (22518) Seizure contested.

	N. J. No.		N. J. No.
Fruits and vegetables—Cont.		Roe, fish_____	22498
fruit, dried_____	22505, 22506	Rolls. <i>See</i> Bread and rolls.	
frozen _____	22507	Sauerkraut, canned_____	¹ 22518
tomatoes and tomato prod-		Sesame seed, hulled_____	22544
ucts_____	22519-22524	Shellfish. <i>See</i> Fish and shellfish.	
vegetables and vegetable prod-		Shrimp, canned_____	22503
ucts_____	¹ 22508-22518	frozen, breaded_____	22504
Gum, bubble_____	22452	Special Formula capsules_____	22549
Hominy, canned_____	22516	Spices, flavors, and seasoning ma-	
Mineral and vitamin supplement		terials_____	22544-22546
for poultry_____	22550	Spring wheat_____	22482-22484
Nuts and nut products---	22525-22537	Strawberries, frozen_____	22507
Oleomargarine_____	22538	Sugar _____	22453
Olives_____	22517	Tomato(es), canned-----	22519, 22520
Oysters_____	22499, 22500	catsup_____	22521
canned_____	22501, 22502	juice _____	22522-22524
Pastry flour_____	22461	Vanilla flavor, imitation_____	22546
Peanut(s), (oil stock)----	22529-22531	Vanillin-coumarin flavoring-----	22545
butter_____	22532	Vegetables. <i>See</i> Fruits and vege-	
germ_____	22531	tables.	
shelled_____	22526, 22527	Veterinary preparation_____	22550
unshelled_____	22528	Vitamin, mineral, and other prod-	
Pecans, shelled_____	22533-22536	ucts of special dietary signifi-	
Perch fillets, frozen-----	22490-22497	cance -----	22509, 22547-22550
Pies, fruit_____	22458	Walnuts, black, shelled-----	22537
pizza_____	22459	West's Imported Sea Vegetation	
Pizza pies_____	22459	tablets and West's Sodeom	
Pollock, frozen_____	22490	tablets _____	22547
Popcorn, unpopped_____	22464-22470	West's Vi-Linn_____	22548
Poultry _____	22539-22543	Wheat _____	22471-22481
Raisins_____	22505, 22506	spring_____	22482-22484

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Ace Pecan Co.:		Blue Diamond Egg Co.:	
shelled pecans_____	22536	frozen eggs_____	22487
Albemarle Peanut Co., Inc.:		Breeden Poultry & Egg Co.:	
shelled peanuts_____	22526	dressed poultry_____	22543
Armour & Co.:		Brighton Fish Co.:	
oleomargarine _____	22538	frozen ocean perch fillets-----	22497
Askew, S. G., Warehouse. <i>See</i>		Brown Produce Co.:	
Lummis & Co.		frozen eggs_____	22488
Barnes & Son Shelling Co.:		Burnham & Morrill Co.:	
shelled black walnuts-----	22537	frozen pollock, frozen ocean	
Bauer Canneries, Inc.:		perch fillets, and frozen floun-	
tomato juice_____	22522	der fillets_____	22490
Bay Food Products Co.:		Caroline Poultry Farms, Inc.:	
oysters _____	22500	dressed poultry_____	22540
Biloxi Canning & Packing Co.,		Christy, George A., & Son:	
Inc.:		oysters _____	22499
canned shrimp_____	22503		

¹ (22518) Seizure contested.

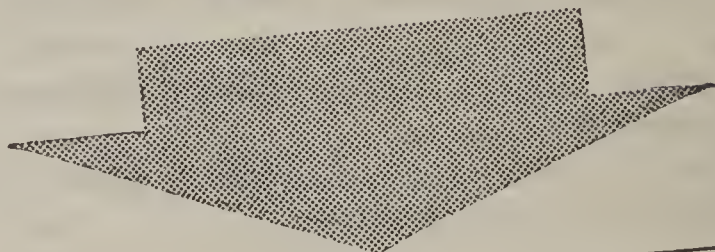
	N. J. No.		N. J. No.
Codorus Canning Co.:		Friedberg, Abraham:	
canned tomatoes-----	22519	eggs-----	22485
Cohen, Harold:		Fruitt, W. G.:	
eggs-----	22485	fruit pies-----	22458
Comstock Foods, Inc.:		Glacier Packing Co.:	
canned sliced beets-----	22509	frozen strawberries-----	22507
Daino Products, Inc.:		Goody Goody Products Co.:	
pizza pies-----	22459	peanut butter-----	22532
Deep Sea Fillet Corp.:		Hanlon Grain Co.:	
frozen ocean perch filets----	22491-	wheat-----	22477
	22496	Holly Farms Poultry Co., Inc.:	
El Mar Packing Co.:		dressed poultry-----	22539
raisins-----	22506	Holmquist Grain & Lumber Co.:	
Euphrates Bakery:		corn-----	22462
Armenian bread wafers-----	22455-	Illinois Canning Co.:	
	22457	canned corn-----	22510
Falcon Nut & Candy Co.:		Kimbell Food Products Co.:	
candy-----	22451	imitation vanilla flavor-----	22546
Falcone, C. J., and M. P.:		Lummis & Co.:	
candy-----	22451	peanuts (oil stock)-----	22529
Famous Pies, Inc.:		unshelled-----	22528
fruit pies-----	22458	Lutz Bros. Canning Co.:	
Farmers Coop Elevator:		tomato juice-----	22524
wheat-----	22471	Maddock Farmers Grain Co.:	
Farmers Elevator Co.:		wheat-----	22478
wheat-----	22472	Mawer-Gulden-Annis, Inc.:	
Farmers Union Elevator:		olives-----	22517
wheat-----	22473	Milford Canning Co.:	
spring-----	22483	canned corn-----	22512-22515
Farmers Union Elevator Co.:		Mineralized Foods, Inc.:	
wheat-----	22474	West's Vi-Linn-----	22548
Farmers Union Grain Terminal		Moran Milling Co. <i>See</i> Fincher,	
Association:		W. F.	
wheat-----	22475, 22476	Murry, J. F., Importing Co., Inc.:	
Fincher, W. F.:		blanched cashew nuts-----	22525
cornmeal-----	22460	N. E. Fillet Co.:	
Fine Foods, Inc.:		frozen pollock, frozen ocean	
unpopped popcorn-----	22464	perch fillets, and frozen floun-	
Finklea, F. J.:		der fillets-----	22490
shelled pecans-----	22533	Newport Poultry Co.:	
Finklea Pecan Co. <i>See</i> Fink-		dressed poultry-----	22542
lea, F. J.		Oakes Seed & Grain Co.:	
Forbes, Jas. H., Tea & Coffee Co.:		wheat-----	22479
hulled sesame seed-----	22544	Oelwein Chemical Co., Inc.:	
Fort Worth Poultry & Egg Co.:		mineral and vitamin supple-	
oleomargarine-----	22538	ment for poultry-----	22550
Freihofer, C. F., and E. H., Jr.:		Olson, Clyde:	
bakery products-----	22454	fish roe-----	22498
Freihofer, Charles, Baking Co.,		Parks Seafood Co.:	
Inc.:		canned oysters-----	22501
bakery products-----	22454		

	N. J. No.		N. J. No.
Peavey Elevator:		Snyder, R. W., Co., Inc.:	
wheat-----	22480	vanillin-coumarin flavoring---	22545
Planters Products Co.:		Southern Peanut Co., Inc.:	
peanuts (oil stock) and pea-		peanuts (oil stock)-----	22530
nut germ-----	22531	Southern Shell Fish Co., Inc.:	
Pocahontas Poultry Co., Inc.:		canned oysters-----	22502
dressed turkeys-----	22541	Stallkamp, L. G.:	
Popcorn Growers Exchange:		frozen eggs-----	22486
unpopped popcorn-----	22465,	Stanley County Cooperative Mar-	
	22467-22469	keting Association:	
Popcorn Processing Co., Inc.:		spring wheat-----	22482
unpopped popcorn-----	22466	Stokely-Van Camp, Inc.:	
Portales Valley Mills, Inc.:		canned corn-----	22511
shelled peanuts-----	22527	Tolerton & Warfield Co.:	
Pruitt, H. A., Produce Co.:		unpopped popcorn-----	22464
shelled pecans-----	22534, 22535	Traylor, C. H., Jr.:	
Richlyn Laboratories:		dressed turkeys-----	22541
Special Formula capsules-----	22549	Victoria Elevator Co.:	
Riley Co.:		wheat -----	22481
spring wheat-----	22484	Watson-Higgins Milling Co.:	
Robb-Ross Co.:		pastry flour-----	22461
unpopped popcorn-----	22470	West Coast Growers & Packers,	
<i>See also</i> Tolerton & Warfield		Inc.:	
Co.		raisins -----	22505
Robbins Bros.:		Wilsdon, L. S.:	
canned tomatoes-----	22520	bubble gum-----	22452
Runciman, C. H., Co.:		Wilson Canning Co.:	
cranberry beans-----	22508	tomato catsup-----	22521
Seneca Kraut & Pickling Co.:		Wilson & Co., Inc.:	
canned sauerkraut-----	¹ 22518	frozen eggs-----	22489
Shelby Gum Co., Inc.:			
bubble gum-----	22452		

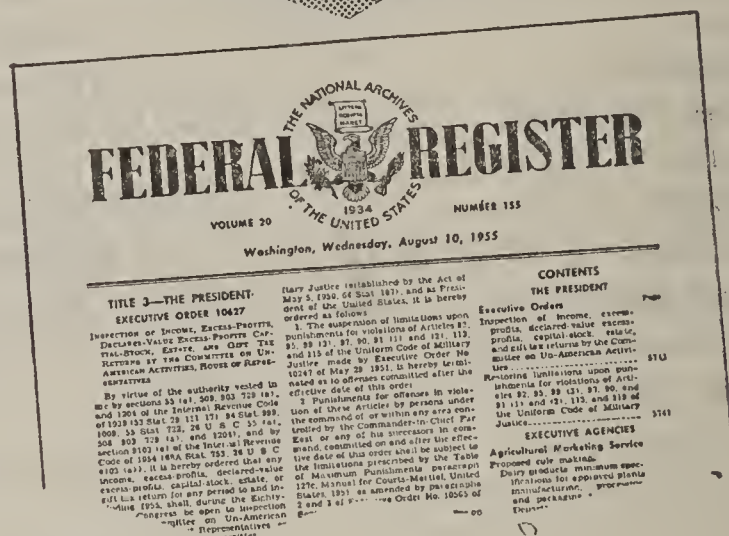
¹ (22518) Seizure contested.

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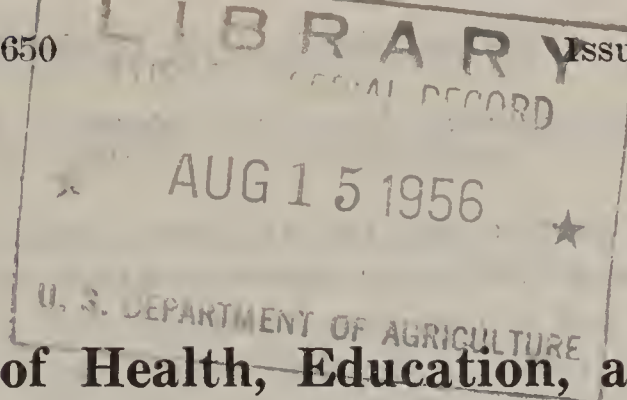
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U. S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to Section 705 of the Food, Drug, and Cosmetic Act]

22551-22650

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings which were terminated with the entry of default or consent decrees of condemnation and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 27, 1956.

CONTENTS

	Page		Page
Cereals and cereal products.....	196	Fish and shellfish.....	209
Bakery products.....	196	Fruits and vegetables.....	211
Flour.....	197	Dried fruit.....	211
Macaroni and noodle products..	198	Fresh fruit.....	212
Miscellaneous cereals and cereal products.....	199	Vegetables.....	212
Confectionery.....	201	Tomatoes and tomato products..	213
Dairy products.....	203	Meat and poultry.....	215
Butter.....	203	Nuts and nut products.....	218
Cheese.....	206	Spices, flavors, and seasoning materials.....	219
Miscellaneous dairy products...	206		
Eggs.....	207	Index.....	220

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22551-22650

Adulteration, Section 402 (a) (2), the article in some cases contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406, and in one case the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength; Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and, Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; and Section 403 (b), the article was offered for sale under the name of another food.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22551. Bread. (F. D. C. No. 38152. S. Nos. 13-136/7 M, 13-196 M.)

INFORMATION FILED: 10-28-55, Dist. N. J., against Joseph A. Rossi, t/a Leo Rossi's Bakery, Trenton, N. J.

SHIPPED: 12-3-54 and 4-25-55, from New Jersey to Pennsylvania.

LABEL IN PART: (Pkg.) "Rossi's Original Italian Bread Krispy Sliced Krust 12 oz. or over Leo Rossi Baking Co. Trenton, N. J.," "Leo Rossi's Bakery Trenton, N. J. Krispy Krust Sliced Italian Round Net Weight 12 Ozs.," or "Rossi's Krispy Krust Baked on The Hearth Leo Rossi's Bakery Trenton, N. J. Net Weight 12 Ozs."

CHARGE: 402 (a) (3)—contained insect fragments and rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-19-55. \$200 fine on count 1; imposition of sentence suspended on counts 2 and 3 and defendant placed on probation for 3 years.

22552. Date nut bread. (F. D. C. No. 38167. S. Nos. 3-570 M, 22-744 M, 22-781 M.)

INFORMATION FILED: 11-17-55, Dist. Mass., against Harvard F. Weston, t/a H. F. Weston & Co., Waltham, Mass.

SHIPPED: Between 5-9-55 and 5-27-55, from Massachusetts to Connecticut and New Hampshire.

LABEL IN PART: (Pkg.) "Weston's Date Nut Bread H. F. Weston & Co. Waltham, Mass. Net Weight 1 Lb."

CHARGE: 402 (a) (3)—contained rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-2-55. \$200 fine.

22553. Cookies. (F. D. C. No. 37850. S. Nos. 12-241 M, 12-245 M.)

INFORMATION FILED: 4-13-55, Dist. N. J., against Mario Iacono, manager of Centre Bakery, West New York, N. J.

SHIPPED: 12-9-54, from New Jersey to New York.

CHARGE: 402 (a) (3)—contained rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-30-55. \$100 fine.

22554. Cookies. (F. D. C. No. 38324. S. Nos. 16-456/7 M, 16-461 M.)

QUANTITY: 61 cases, 12 pkgs. each, and 170 cases, 24 pkgs. each, at Portland, Oreg.

SHIPPED: Between 8-8-55 and 8-15-55, from Tacoma, Wash., by American Biscuit Co.

LABEL IN PART: (Pkg.) "A B C Cookies 1 Lb. Vermont Cremes" and "Fred Meyer Fresh Cookies 14 Oz. [or "Sugar Wafers 2¾ Oz."]."

LIBELED: 9-29-55, Dist. Oreg.

CHARGE: 402 (a) (3)—contained rodent hairs when shipped.

DISPOSITION: 11-28-55. Default—destruction.

22555. Frozen pies. (F. D. C. No. 38118. S. Nos. 11-249 M, 11-251/2 M.)

INFORMATION FILED: 9-1-55, S. Dist. Calif., against Mrs. Lee's Pies, Inc., now known as A. G. Read, Inc., a corporation, Los Angeles, Calif., and A. G. Read, president.

SHIPPED: 11-5-54, from California to Texas.

LABEL IN PART: "Simple Simon Frozen Pies * * * Cherry [or "Mince" or "Peach"]."

CHARGE: 402 (a) (3)—contained rodent hair fragments, insect fragments, and insects; and 402 (a) (4)—prepared, packed, and held under insanitary conditions.

PLEA: Guilty—by corporation to counts 1 and 2 and by individual to count 3.

DISPOSITION: 12-5-55. Corporation fined \$2,000 and individual \$1,000.

FLOUR

22556. Flour. (F. D. C. No. 38110. S. Nos. 13-959/61 M, 14-216/7 M.)

INFORMATION FILED: 6-29-55, E. Dist. Ill., against Trenton Milling Co., a corporation, Trenton, Ill.

SHIPPED: 2-28-55 and 3-2-55, from Illinois to Mississippi and Missouri.

LABEL IN PART: (Bag) "Phosphated Flour Bleached Easter Lily High Patent Flour [or "Easter Lily Hard Wheat Flour," "Bleached Self-Rising Flour Trenton Cream Flour," "Bleached Self-Rising Flour Angelfood Extra Short Patent Flour," or "Self-Rising Flour Bleached Easter Lily Flour"] Trenton Milling Co. Trenton, Ill."

CHARGE: 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-6-55. \$400 fine, plus costs.

22557. Flour. (F. D. C. No. 38201. S. No. 7-541 M.)

QUANTITY: 260 bags at Farmington, N. Mex.

SHIPPED: 6-2-55 and 6-6-55, from Bayfield, Colo., by Tanner Flour Mills.

LABEL IN PART: (Bag) "25 Lbs. Net Wt. Bleached White Rose Brand High Patent Flour."

LIBELED: 6-27-55, Dist. N. Mex.

CHARGE: 402 (a) (3)—contained rodent urine when shipped.

DISPOSITION: 7-28-55. Consent—claimed by Farmington Mercantile Co., Farmington, N. Mex. Segregated, 35 25-lb. bags denatured for use as animal feed.

22558. Flour and rolled oats. (F. D. C. No. 35616. S. Nos. 63-780 L, 63-806 L.)

INDICTMENT RETURNED: 10-19-55, S. Dist. Ill., against Chris Hoerr & Son Co., a corporation, Peoria, Ill., and Chris C. Hoerr, Jr. (vice president and treasurer).

ALLEGED VIOLATION: Between 5-18-54 and 10-6-54, the defendants caused quantities of flour and rolled oats, while held for sale, to be placed in a building infested with insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

CHARGE: 402 (a) (3)—the rolled oats contained insects and insect webbing; and 402 (a) (4)—both articles were held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 12-5-55. Corporation fined \$200, plus costs; individual fined \$100, plus costs.

MACARONI AND NOODLE PRODUCTS

22559. Macaroni. (F. D. C. No. 37883. S. No. 12-885 M.)

INDICTMENT RETURNED: 7-14-55, E. Dist. Pa., against Philadelphia Macaroni Co., Inc., Philadelphia, Pa., and Louis Roncace, president and treasurer.

SHIPPED: 1-26-55, from Pennsylvania to New Jersey.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-4-55. Corporation and individual each fined \$1,000.

22560. Macaroni and spaghetti. (F. D. C. No. 37985. S. No. 22-228 M.)

QUANTITY: 8 10-lb. boxes of macaroni and 17 10-lb. boxes of spaghetti at Clinton, Iowa.

SHIPPED: 10-15-54 and 3-21-55, from Chicago, Ill., by Grand Macaroni Mfg. Co.

LABEL IN PART: "Elbow Macaroni," "Spaghetti," or "Elbow Spaghetti."

LIBELED: 5-20-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 6-24-55. Default—consumption by animals.

22561. Egg noodles. (F. D. C. No. 38078. S. No. 30-805 M.)

QUANTITY: 55 cases, 12 16-oz. bags each, and 25 cases, 12 8-oz. bags each, at Richmond, Ind.

SHIPPED: 6-8-55, from Cincinnati, Ohio, by Kuertz Food Products Co.

LABEL IN PART: (Bag) "Eavey's E Brand Pure Egg Noodles."

LIBELED: 6-21-55, S. Dist. Ind.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 8-23-55. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

22562. Barley. (F. D. C. No. 38295. S. No. 26-138 M.)

QUANTITY: 80,000 lbs. at Minneapolis, Minn.

SHIPPED: 7-21-55, from Norwich, N. Dak., by Norwich Equity Cooperative Elevator Co.

LIBELED: 8-16-55, Dist. Minn.

CHARGE: 402 (a) (2)—the article was a raw agricultural commodity and contained a pesticide chemical, a mercurial compound, which is unsafe within the meaning of the law since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on barley had been prescribed by regulations promulgated in accordance with the requirements of the law.

DISPOSITION: 8-29-55. Consent—claimed by Norwich Equity Cooperative Elevator Co. Segregated, 16,238 lbs. destroyed.

22563. Corn. (F. D. C. No. 38075. S. No. 30-151 M.)

QUANTITY: 950 bags containing a total of approximately 2,000 lbs. at Cairo, Ill.

SHIPPED: 9-21-51, from Stanwood, Iowa, by Scroggins Grain Co.

LIBELED: 6-14-55, E. Dist. Ill.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, tetrachlorobenzoquinone, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 6-29-55. Default—destruction.

22564. Corn. (F. D. C. No. 38098. S. No. 10-116 M.)

QUANTITY: 273 bushels in a Ford truck bearing 1955 Missouri license No. 536-651, in a public parking area at Cincinnati, Iowa.

SHIPPED: 7-13-55, from St. Peter, Minn., by Kermit D. Cowan, Mendota, Mo.

LIBELED: 7-19-55, S. Dist. Iowa.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, tetramethylthiuram disulfide (Arasan), which is unsafe

*See also No. 22558.

within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 10-8-55. Default—destruction.

22565. Shelled popcorn. (F. D. C. No. 38250. S. No. 17-220 M.)

QUANTITY: 120 100-lb. bags (unlabeled) at Greenwood, Del.

SHIPPED: 7-8-55, from Riderwood, Md., by John L. Strickland Co., Inc.

LIBELED: 7-21-55, Dist. Del.

CHARGE: 402 (a) (3)—contained insects and insect parts when shipped.

DISPOSITION: 9-16-55. Consent—claimed by Maryland Popcorn Cooperative Association, Inc. Segregated, 105 100-lb bags satisfactorily cleaned and reprocessed.

22566. Wheat. (F. D. C. No. 38223. S. Nos. 16-607/14 M, 16-616 M.)

QUANTITY: 574,800 lbs. in 6 railroad cars at Worley, Idaho.

SHIPPED: By E. C. Hay & Sons, Inc., between 6-4-55 and 6-13-55, from Worley, Idaho, to Seattle, Wash., and from there to Worley, Idaho, on 6-20-55 and 6-21-55.

LIBELED: 7-11-55, Dist. Idaho.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 9-12-55. Consent—claimed by E. C. Hay & Sons, Inc. Reconditioned, 3,710 lbs. destroyed.

22567. Wheat. (F. D. C. No. 38109. S. No. 26-132 M.)

QUANTITY: 74,500 lbs. at Minneapolis, Minn.

SHIPPED: 7-26-55, from Tower City, N. Dak., by C. R. Pfau, t/a Tower City Grain Co.

LIBELED: 8-5-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 8-24-55. Consent—claimed by C. R. Pfau. Converted to animal feed.

22568. Corn Chips. (F. D. C. No. 38145. S. Nos. 7-673 M, 7-909/10 M, 32-961 M.)

INFORMATION FILED: 10-11-55, W. Dist. Okla., against Joseph A. Hanly, t/a Acme Potato Chip Co., Oklahoma City, Okla.

SHIPPED: Between 4-5-55 and 6-1-55, from Oklahoma to Colorado, Kansas, and New Mexico.

LABEL IN PART: (Bag) "10¢ Wt. 2 oz. [or "29¢ Wt. ½ lb."] Sandy's Corn Chips Sanders-McKee Potato Chip Co. Wichita, Kansas" or "Acme Golden Corn Chips 25¢ Wt. ½ Lb. [or "Acme Corn Chips 15¢"] Acme Potato Chip Co. Oklahoma City, Okla."

CHARGE: 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 11-18-55. \$1,000 fine.

CONFECTIONERY

22569. Candy. (F. D. C. No. 38120. S. Nos. 812/4 M, 4-224/5 M, 5-520/1 M, 6-759/60 M, 11-257 M.)

INFORMATION FILED: 8-26-55, against Zion Industries, Inc., Zion, Ill., Martin M. Philipsborn, Jr., financial vice president and general manager, and Harold H. Hill, vice president and manager of the corporation's candy division.

SHIPPED: Between 11-22-54 and 12-1-54, from Illinois to Florida, Michigan, New York, Ohio, and Texas.

LABEL IN PART: (Box) "Jelly Fingers," "Anise Beauties," "Jelly Dimples," "Panglo Mix," "Jelly Strings," or "Milk Maid Fudge."

CHARGE: 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 9-7-55. Corporation fined \$3,000, plus costs; Philipsborn fined \$100; Hill fined \$750.

22570. Candy. (F. D. C. No. 38165. S. Nos. 10-857/8 M, 11-348 M, 11-715 M, 11-721 M.)

INFORMATION FILED: 12-5-55, E. Dist. Tex., against Anthony George, t/a East Texas Candy Co., Tyler, Tex.

SHIPPED: Between 5-4-55 and 7-19-55, from Texas to Louisiana.

LABEL IN PART: (Wrapper) "C Curtiss Peanut Pattie Curtiss Candy Co. Chicago-Dallas Wt. 1¾ oz."; (box) "1¢ Peanut Patties East Texas Candy Co. Tyler, Texas"; (wrapper) "Liddell's Grade A 1 oz. or over Distributed By Liddell Candy Co. Shreveport, La."

CHARGE: 402 (a) (3)—contained moth larva, parts of moth larva, moth parts, rodent excreta, beetle larva, and beetle parts; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-6-55. \$2,500 fine and sentence to imprisonment for 30 days suspended for 1 year, during which time defendant placed on probation.

22571. Candy. (F. D. C. No. 38119. S. Nos. 3-790 M, 5-544 M, 14-373 M, 14-375 M.)

INFORMATION FILED: 7-20-55, against Lion Specialty Co., a corporation, Chicago, Ill., and Frank C. Cuneo, vice president.

SHIPPED: Between 12-9-54 and 1-11-55, from Illinois to Michigan, Missouri, and New York.

LABEL IN PART: (Bag) "Peanut Butter Kisses Net Weight of Candy 9 Ounces * * * Made by Lion Specialty Candy Co. Chicago"; (box) "Lion's Milk Chocolate Peanuts 5¾ Oz. Net Wt. * * * Lion Specialty Co. 212 W. Illinois St. Chicago 10, Ill."; (carton) "30 Lbs Net Asst. Jelly Beans * * * Quality Lion Brand Candies," or "Quality Lion Brand Candies 25 Lbs Net Chocolate Maple Cream Pnt. Clusters."

CHARGE: 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 8-22-55. Corporation fined \$1,500, plus costs; individual fined \$500.

22572. Candy. (F. D. C. No. 37849. S. Nos. 4-005 M, 4-103/4 M, 6-346 M.)

INFORMATION FILED: 4-23-55, N. Dist. N. Y., against Oswego Candy Co., Inc., Oswego, N. Y., and John H. Stone, president and general manager.

SHIPPED: Between 10-7-54 and 11-4-54, from New York to Ohio and Pennsylvania.

LABEL IN PART: "Ox-Heart Chocolate Cream Drops," "Peanut Butter Kisses," or "Chocolate Peanut Clusters."

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-10-55. Corporation fined \$400 and individual \$350.

22573. Candy. (F. D. C. No. 37853. S. Nos. 4-024 M, 5-488/9 M, 5-535 M.)

INFORMATION FILED: 5-12-55, N. Dist., Ill., against Charland Candy Mfg. Co., a partnership, Chicago, Ill., and Charles Romano and Catherine Romano, partners.

SHIPPED: Between 11-15-54 and 12-17-54, from Illinois to Michigan and Pennsylvania.

LABEL IN PART: (Wrapper) "Charland's Braziludge Fudge Candy Bar" or "Charland's Pecan Fudge Candy Bar."

CHARGE: 402 (a) (3)—contained insects, insect fragments, and cat hairs; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-19-55. \$300 fine against defendants jointly.

22574. Candy. (F. D. C. No. 37840. S. Nos. 12-588 M, 12-812 M, 12-814/5 M.)

INFORMATION FILED: 5-4-55, E. Dist. Pa., against Matteo Pino, t/a North Penn Candy Co., Lansdale, Pa.

SHIPPED: Between 11-3-54 and 11-17-54, from Pennsylvania to New Jersey.

LABEL IN PART: "Ye Old Timer Chocolates * * * Manufactured by North Penn Candy Co. * * * Lansdale, Pa."

CHARGE: 402 (a) (3)—contained flies, insects fragments, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-4-55. \$200 fine.

22575. Candy. (F. D. C. No. 38154. S. Nos. 19-786/7 M, 19-789 M.)

INFORMATION FILED: 10-20-55, E. Dist. Va., against J. Leonard Doyle, t/a Doyle Candy Co., Emporia, Va.

SHIPPED: Between 5-13-55 and 5-18-55, from Virginia to North Carolina.

LABEL IN PART: (Carton) "24 Rainbows 5¢ [or "120 Rainbows 1¢" or "120 Coconut Ices Pink, White & Yellow"] Doyle's Fine Candies."

CHARGE: 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-5-55. \$75 fine.

22576. Candy. (F. D. C. No. 37882. S. Nos. 12-175/6 M, 12-592 M, 12-809 M.)

INDICTMENT RETURNED: 7-14-55, E. Dist., Pa., against J. Schwartz & Sons, a partnership, Philadelphia, Pa., and Jacob Schwartz and Victor Schwartz, partners.

SHIPPED: Between 11-9-54 and 11-30-54, from Pennsylvania to New Jersey and New York.

LABEL IN PART: (Carton) "Victorian Candy Cones Net Weight 24 oz. or over [or "net weight 12 oz. or over"]," "Victorian Mix Contents 1 lb. net weight," or "Victorian Peppermint Patties Chocolate Covered net wt. 1 lb."

CHARGE: 402 (a) (3)—contained textile fiber, wood fragments, insects, insect fragments, rodent hairs, and straw fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-4-55. Partnership fined \$400 and each individual \$300.

22577. Candy. (F. D. C. No. 38291. S. No. 11-715 M.)

QUANTITY: 115 boxes at New Orleans, La.

SHIPPED: 6-24-55 and 7-12-55, from Tyler, Tex., by East Texas Candy Co.

LABEL IN PART: (Box) "1 Cent Peanut Patties Kitchen Fresh—This Box Contains 80 * * * Peanut Patties."

LIBELED: 8-10-55, E. Dist. La.

CHARGE: 402 (a) (3)—contained rodent excreta, insects, and insect parts when shipped.

DISPOSITION: 9-8-55. Default—destruction.

22578. Sugar-coated peanuts. (F. D. C. No. 37226. S. No. 68-573 L.)

INFORMATION FILED: 6-8-55, E. Dist. N. Y., against Havmor Food Products, Inc., Brooklyn, N. Y., and Joseph Fingerhut, president.

SHIPPED: 8-18-54, from New York to New Jersey.

LABEL IN PART: (Bag) "Havmor * * * Toasted Peanuts."

CHARGE: 402 (a) (3)—contained insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-6-55. Corporation fined \$500 and individual placed on probation for 2 years.

DAIRY PRODUCTS

BUTTER

22579. Butter. (F. D. C. No. 37839. S. No. 85-532 L.)

INFORMATION FILED: 5-16-55, Dist. Colo., against Hollywood Creamery Co., a corporation, Colorado Springs, Colo., and George A. Allebrand, president.

SHIPPED: 8-25-54, from Colorado to New Mexico.

LABEL IN PART: "Armour Cloverbloom Butter * * * Armour Creameries - Distributors - General Office Chicago, Ill."

CHARGE: 402 (a) (3)—contained fly fragments, fly setae, ant fragments, and insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-7-55. Corporation fined \$1,000 and individual \$500.

22580. Butter. (F. D. C. No. 37151. S. No. 14-196 M.)

QUANTITY: 95 64-lb. boxes at Fort Smith, Ark.

SHIPPED: On 8-14-55, quantities of cream were shipped from various places in Oklahoma to Fort Smith, Ark.

RESULTS OF INVESTIGATION: The cream, when shipped in interstate commerce, was decomposed. It subsequently was manufactured into butter.

LIBELED: 8-29-55, W. Dist. Ark.

CHARGE: 402 (a) (3)—the butter contained a decomposed substance.

DISPOSITION: 10-21-55. Consent—claimed by Sugar Creek Creamery Co., Danville, Ill. Converted to butter oil.

22581. Butter. (F. D. C. No. 37149. S. No. 22-466 M.)

QUANTITY: 76 65-lb. boxes at Chicago, Ill.

SHIPPED: 8-8-55, from St. Louis, Mo., by Paul A. Schulze Co.

LABEL IN PART: "Packed by P. A. Schulze Co. St. Louis Mo."

LIBELED: 8-18-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 10-13-55. Consent—claimed by Paul A. Schulze Co. Converted to butter oil.

22582. Butter. (F. D. C. No. 37157. S. No. 36-636 M.)

QUANTITY: 38 64-lb. cartons at Bronx, N. Y.

SHIPPED: 9-1-55, from Falls City, Nebr., by Falls City Creamery Co.

LABEL IN PART: "Quality Butter * * * Ice Cream Butter."

LIBELED: 9-23-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed animal substance when shipped.

DISPOSITION: 10-31-55. Consent—claimed by Falls City Creamery Co. Converted to butter oil.

22583. Butter. (F. D. C. No. 37152. S. No. 35-810 M.)

QUANTITY: 16 64-lb. boxes at Chicago, Ill.

SHIPPED: 8-30-55, from Verdigre, Nebr., by Verdigre Creamery.

LIBELED: 9-16-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 10-31-55. Consent—claimed by Marketing Association of America. Converted to butter oil.

22584. Butter. (F. D. C. No. 37156. S. No. 14-195 M.)

QUANTITY: 9 70-lb. cubes at Carthage, Mo.

SHIPPED: On 8-15-55, quantities of cream were shipped from various places in the State of Arkansas to Carthage, Mo.

RESULTS OF INVESTIGATION: The cream, when shipped in interstate commerce, was decomposed. It subsequently was manufactured into butter.

LIBELED: 8-30-55, W. Dist. Mo.

CHARGE: 402 (a) (3)—the butter contained a decomposed substance.

DISPOSITION: 10-26-55. Default—destruction.

22585. Butter. (F. D. C. No. 37161. S. No. 23-149 M.)

QUANTITY: 17 boxes, 32 1-lb. prints each, at Gardiner, Maine.

SHIPPED: 10-6-55, from Mitchell, S. Dak., by Armour Creameries.

LABEL IN PART: (Print) "Armour Cloverbloom Butter * * * Armour Creameries Distributors General Office Chicago, Illinois."

LIBELED: On or about 11-2-55, Dist. Maine.

CHARGE: 402 (a) (3)—contained rodent hairs, insects, insect parts, and manure when shipped.

DISPOSITION: 12-13-55. Default—destruction.

22586. Butter. (F. D. C. No. 37160. S. No. 23-148 M.)

QUANTITY: 15 boxes, 6 5-lb. pkgs. each, at Lewiston, Maine.

SHIPPED: 10-6-55, from Mitchell, S. Dak., by Armour Creameries.

LABEL IN PART: (Box) "Armour Cloverbloom Butter-etts * * * Butter Armour Creameries - Distributors - Chicago, Ill."

LIBELED: On or about 11-2-55, Dist. Maine.

CHARGE: 402 (a) (3)—contained rodent hairs, insects, insect parts, and manure when shipped.

DISPOSITION: 12-13-55. Default—4 boxes destroyed and 11 boxes rendered into grease.

22587. Butter. (F. D. C. No. 37159. S. No. 11-120 M.)

QUANTITY: 18 cases, 32 1-lb. prints each, at San Antonio, Tex.

SHIPPED: 9-20-55, from El Reno, Okla., by Fox DeLuxe Foods, Inc.

LABEL IN PART: (Parchment wrapper) "Canadian Valley Butter * * * El Reno Poultry & Egg Co., El Reno, Okla. 1 Pound Net"; (carton) "Butter Grade B 32/1 Lb. Prints * * * Fox DeLuxe Foods."

RESULTS OF INVESTIGATION: Examination showed that the butter had been prepared from decomposed cream.

LIBELED: 10-18-55, W. Dist. Tex.

CHARGE: 402 (a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 12-9-55. Consent—claimed by Fox DeLuxe Foods, Inc., Chicago, Ill. Converted to butter oil.

22588. Butter. (F. D. C. No. 37153. S. No. 36-045 M.)

QUANTITY: 40 60-lb. boxes at Chicago, Ill.

SHIPPED: On 8-22-55, quantities of cream were shipped from Arkansas, Kentucky, Michigan, Missouri, and West Virginia, to Chicago, Ill.

RESULTS OF INVESTIGATION: The cream, when shipped in interstate commerce, was decomposed. It subsequently was manufactured into butter.

LIBELED: 9-13-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—the butter contained a decomposed substance.

DISPOSITION: 10-10-55. Consent—claimed by Sunset Valley Co., Chicago, Ill. Converted to butter oil.

22589. Butter. (F. D. C. No. 37154. S. No. 7-700 M.)

QUANTITY: 2,304 lbs. at Fort Bliss, Tex.

SHIPPED: 9-5-55, from El Reno, Okla., by El Reno Poultry & Egg Co.

LABEL IN PART: "Canadian Valley Butter El Reno Poultry & Egg Co. El Reno, Okla. 1 pound net."

RESULTS OF INVESTIGATION: Examination showed that the butter had been prepared from decomposed cream.

LIBELED: 9-23-55, W. Dist. Tex.

CHARGE: 402 (a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 12-12-55. Consent—claimed by Fox DeLuxe Foods, Inc., Chicago, Ill. Converted to butter oil.

CHEESE

22590. Cheese. (F. D. C. No. 35606. S. Nos. 82-425/6 L, 82-816/7 L.)

INFORMATION FILED: 5-22-55, N. Dist. N. Y., against Hoffman & Dudo, a partnership, Lowville, N. Y.

ALLEGED VIOLATION: On 5-22-53, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese shipped or delivered by it under the guaranty would not be adulterated or misbranded.

Between 5-6-54 and 6-21-54, the defendant caused to be delivered to the holder of the guaranty, at Heuvelton, N. Y., quantities of cheese which were adulterated.

CHARGE: 402 (a) (3)—contained insects, insect fragments, manure fragments, cow hairs, and rodent hair fragments, and was prepared from filth-contaminated milk; and 402 (a) (4)—a portion of the article was prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-13-55. \$500 fine.

22591. Cheese. (F. D. C. No. 37225. S. Nos. 87-802/3 L.)

INFORMATION FILED: 4-21-55, N. Dist. N. Y., against Ogdensburg Creameries, Inc., Ogdensburg, N. Y., and Henry Tierney, Sr., manager of the firm's Ogdensburg milk receiving plant.

SHIPPED: 6-30-54, from New York to Pennsylvania.

LABEL IN PART: (Box) "New York State State Brand * * * Cheddar Cheese DeKalb Creameries, Inc. 99 Hudson Street New York, N. Y."

CHARGE: 402 (a) (3)—prepared from filth-contaminated milk and contained insects, insect fragments, manure fragments, and rodent hair fragments, when shipped.

PLEA: Guilty.

DISPOSITION: 11-9-55. Corporation fined \$400 and individual \$50.

MISCELLANEOUS DAIRY PRODUCTS

22592. Cream. (F. D. C. No. 37158. S. No. 26-490 M.)

QUANTITY: 16 10-gal. cans at Mitchell, S. Dak.

SHIPPED: 9-17-55, from Linton, N. Dak., by Linton Cream Station.

LABEL IN PART: "Linton Cream Station Otto Sayler Manager."

LIBELED: 9-30-55, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained a filthy, putrid, or decomposed substance when shipped.

DISPOSITION: 11-8-55. Consent—destruction.

22593. Skim milk powder. (F. D. C. No. 37933. S. No. 14-378 M.)

QUANTITY: 33 250-lb. drums at Pittsfield, Ill.

SHIPPED: 1-25-55, from Kansas City, Mo., by Wm. Fitzgerald Milk Products Co.

LABEL IN PART: (Drum) "Spray Solids-Standard Grade * * * Manufactured and Packed Exclusively By De-Raef Corporation * * * 2004 Baltimore Avenue Kansas City 8, Missouri."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of dry skim milk, calcium carbonate, and soya flour.

LIBELED: 4-14-55, S. Dist. Ill.

CHARGE: 402 (b) (2)—a mixture of dry skim milk, calcium carbonate, and soya flour had been substituted in whole or in part for dry skim milk; and 402 (b) (4)—calcium carbonate and soya flour had been added to dry skim milk and mixed and packed therewith so as to increase its bulk or weight and reduce its quality.

DISPOSITION: 9-6-55. Default—destruction.

22594. Nonfat dry milk solids. (F. D. C. No. 37937. S. Nos. 10-733/4 M.)

QUANTITY: 491 225-lb. drums at Davenport, Iowa.

SHIPPED: 2-1-55, from Kansas City, Mo., by M. E. Franks, Inc.

LABEL IN PART: (Drum) "Spray Non Fat Dry Milk Solids * * * Spray Solids-Standard Grade * * * Manufactured and Packed Exclusively By De-Raef Corporation * * * 2004 Baltimore Avenue Kansas City 8, Missouri."

LIBELED: 4-14-55, S. Dist. Iowa.

CHARGE: 402 (b) (2)—a mixture of nonfat dry milk, calcium carbonate, and soya flour had been substituted in whole or in part for nonfat dry milk; and 402 (b) (4)—calcium carbonate and soya flour had been added to nonfat dry milk and mixed and packed therewith so as to increase its bulk or weight and reduce its quality.

DISPOSITION: 9-8-55. Consent—claimed by Central State Trucking Co. and relabeled.

EGGS

22595. Frozen eggs. (F. D. C. No. 38228. S. No. 29-693 M.)

QUANTITY: 900 30-lb. cans at Jersey City, N. J.

SHIPPED: 6-8-55, from Sheboygan, Wis., by Sheboygan Produce Co.

LIBELED: 7-11-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 7-28-55. Consent—claimed by Irving Fuchs & Sons, Inc., New York, N. Y. Segregated, 246 cans denatured.

22596. Frozen eggs. (F. D. C. No. 38232. S. No. 29-350 M.)

QUANTITY: 875 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 5-17-55, from Sheboygan, Wis., by Sheboygan Produce Co.

LIBELED: 7-13-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 7-25-55. Consent—claimed by Irving Fuchs & Sons, Inc., New York, N. Y. Segregated, 73 30-lb. cans denatured.

22597. Frozen eggs. (F. D. C. No. 38206. S. No. 29-342 M.)

QUANTITY: 412 30-lb. cans at New York, N. Y.

SHIPPED: 6-6-55, from Zanesville, Ohio, by Ballas Egg Products Co., Inc.

LIBELED: 6-30-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 8-4-55. Consent—claimed by Brown Produce Co., Farina, Ill. Segregated, 15 cans denatured.

22598. Frozen eggs. (F. D. C. No. 38256. S. No. 30-059 M.)

QUANTITY: 213 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 6-17-55, from Miami, Fla., by Arthur Redmond Co., Div. of Dexter Bishop Co., Inc.

LIBELED: 7-29-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 9-2-55. Consent—claimed by Dexter Bishop Co., Inc., New York, N. Y. Segregated, 103 30-lb. cans denatured.

22599. Frozen eggs. (F. D. C. No. 38231. S. No. 30-058 M.)

QUANTITY: 60 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 6-18-55, from Nashville, Tenn., by National Egg Co.

LIBELED: 7-13-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 8-11-55. Consent—claimed by Glasgow Food Corp., New York, N. Y. Segregated, 10 30-lb. cans denatured.

22600. Frozen egg yolks. (F. D. C. No. 38080. S. No. 10-114 M.)

QUANTITY: 973 30-lb. cans at Sumner, Iowa.

SHIPPED: On 6-9-55, the article was delivered for introduction into interstate commerce at Sumner, Iowa, for delivery to Chicago, Ill.

RESULTS OF INVESTIGATION: An investigation revealed that the article was damaged in an accident while en route to Chicago and that it was returned to Sumner, Iowa.

LIBELED: 6-25-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained dirt, wood spinters, and miscellaneous debris while in interstate commerce.

DISPOSITION: Interstate Brokers of California, Inc., Los Angeles, Calif., claimant, having consented to the entry of a decree, a decree of condemnation providing for the segregation of the article was entered on 8-12-55. On 9-16-55, an order was entered providing that the claimant be given 45 days from 8-12-55 to file a bond and pay the costs. On 10-5-55, the claimant having failed to file the bond and pay the costs, a supplemental decree was entered which ordered the United States marshal to segregate the article under the supervision of the Food and Drug Administration and to sell the article to the highest bidder.

369 cans found to be in compliance with the law were sold for human consumption, and 604 cans segregated as unfit for human consumption were sold and reprocessed into animal feed.

FISH AND SHELLFISH

22601. Herring fillets in brinè. (F. D. C. No. 38081. S. No. 5-314 M.)

QUANTITY: 59 440-lb. bbls. at Milwaukee, Wis.

SHIPPED: 5-4-55, from Palmer, Va., by Thornton A. Treacle & Son.

LIBELED: 6-23-55, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained flies and fly parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 9-15-55. Consent—claimed by Thornton A. Treacle & Son. The article was satisfactorily reconditioned. The fillets were washed, individually skinned and scraped, soaked in a vinegar solution for 24 hours, and washed again.

22602. Frozen ocean perch fillets. (F. D. C. No. 38113. S. Nos. 3-075/6 M, 4-950 M, 7-821 M, 14-328 M.)

INDICTMENT RETURNED: 9-21-55, Dist. Maine, against Deep Sea Fillet Corp., Portland, Maine, and Donald T. Kirby, president and treasurer.

SHIPPED: Between 1-19-55 and 2-10-55, from Maine to Illinois, Massachusetts, Missouri, and Oklahoma.

LABEL IN PART: (Pkg.) "Deep Sea Brand Ocean Perch Fillets Frozen Packed by Deep Sea Fillet Corp., Portland, Me." or "Boston Bonnie Brand Fresh Frosted Ocean Perch Dependable Quality Distributed by Boston Bonnie Fisheries Boston, Mass."

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

PLEA: Guilty—by individual. The arraignment and plea of the corporation was postponed indefinitely since it had been dissolved and there was no representative present to plead.

DISPOSITION: 10-17-55. Individual fined \$500.

22603. Canned salmon. (F. D. C. No. 38202. S. No. 21-670 M.)

QUANTITY: 18 cases, 48 1-lb. cans each, at Philadelphia, Pa.

SHIPPED: 3-14-55, from New York, N. Y., by Sell-Low Wholesalers.

LABEL IN PART: (Can) "Fair Weather Alaska Salmon," or "Ship Ahoy Salmon."

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 6-24-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 8-10-55. Default—destruction.

22604. Fresh whitefish. (F. D. C. No. 38204. S. No. 4-863 M.)

QUANTITY: 62 50-lb. boxes at Chicago, Ill.

SHIPPED: 6-14-55, from Winnipeg, Canada, by Saskatchewan Fish Marketing Service.

LABEL IN PART: (Box) "Product of Canada Deschambault Lake."

LIBELED: 7-1-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained parasitic worms when shipped.

DISPOSITION: 9-20-55. Default—destruction.

22605. Fresh dressed whitefish. (F. D. C. No. 38197. S. No. 4-862 M.)

QUANTITY: 36 50-lb. boxes at Chicago, Ill.

SHIPPED: 6-13-55, from Winnipeg, Canada, by Canadian Fish Products.

LABEL IN PART: (Box) "Product of Canada Lake Pinehouse."

LIBELED: 7-1-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained parasitic worms when shipped.

DISPOSITION: 9-20-55. Default—destruction.

22606. Fresh crabmeat. (F. D. C. No. 36679. S. Nos. 48-190 L, 67-246 L, 67-558/60 L.)

INFORMATION FILED: 10-28-55, E. Dist. La., against Lester Thomas Ozio, Sr., t/a Ozio Fisheries, Morgan City, La.

SHIPPED: Between 6-3-54 and 7-8-54, from Louisiana to Texas.

LABEL IN PART: (Can) "Ozio Fisheries Crabmeat One Pound Net Permit No. LA. 2C Morgan City, La."

CHARGE: 402 (a) (3)—contained *E. coli*. of fecal origin; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-9-55. \$500 fine.

22607. Fresh crabmeat. (F. D. C. No. 37146. S. No. 11-701 M.)

QUANTITY: 58 1-lb. cans at Waco, Tex.

SHIPPED: 4-25-55, from New Orleans, La., by Reuther's Seafood Co., Inc.

LIBELED: On or about 5-13-55, W. Dist. Tex.

CHARGE: 402 (a) (3)—contained a filthy animal substance when shipped (*E. coli* of fecal origin).

DISPOSITION: 9-14-55. Default—destruction.

22608. Oysters. (F. D. C. No. 38342. S. Nos. 20-194/5 M.)

QUANTITY: 160 1-pt. cans and 200 12-oz. cans at Zanesville, Ohio.

SHIPPED: 9-26-55, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LABEL IN PART: "Bob Kelley's Oysters * * * Oysters Standards MD 51."

LIBELED: 9-28-55, S. Dist. Ohio.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-29-55. Default—destruction.

22609. Oysters. (F. D. C. No. 38343. S. No. 19-844 M.)

QUANTITY: 2 bbls., 160 cans each, at Indianapolis, Ind.

SHIPPED: 9-26-55, from Baltimore, Md., by American Sea Foods.

LABEL IN PART: (Can) "Oysters Standards Contents One Pint Bob Kelley's Oysters * * * Md 51."

LIBELED: 9-28-55, S. Dist. Ind.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and, 402 (b) (4)—water had been added to the oysters and mixed

and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 9-30-55. Default—delivered to a charitable institution.

FRUITS AND VEGETABLES

DRIED FRUIT

22610. Sliced figs. (F. D. C. No. 37911. S. No. 4-996 M.)

QUANTITY: 1,207 60-lb. cases at Chicago, Ill.

SHIPPED: 1-12-54 and 1-14-54, from Fresno, Calif., by Arnold-Hoover, Inc.

LABEL IN PART: (Case) "Baker-Kleen Brand California Sliced Figs."

LIBELED: 3-30-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects, insect parts, rodent hairs, and feather fragments; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 7-14-55. Consent—claimed by Arnold-Hoover, Inc. Segregated, 2,821 lbs. destroyed.

22611. Raisins. (F. D. C. No. 38144. S. Nos. 3-071 M, 3-073 M, 13-027/8 M, 16-999 M, 17-000 M.)

INFORMATION FILED: On or about 10-25-55, S. Dist. Calif., against Tusan Packing Co., a partnership, Sanger, Calif.

SHIPPED: 10-18-54 and 10-19-54, from California to Massachusetts, Pennsylvania, and Maryland.

LABEL IN PART: (Carton) "Net Weight 30 Pounds Tusan Brand Raisins Packed By Tusan Packing Co. Sanger, Calif."

CHARGE: 402 (a) (3)—contained insects, insect fragments, rodent hairs, and rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 11-28-55. Defendant fined \$750 on count 1 and \$250 on count 2; imposition of sentence suspended for 2 years on count 3.

22612. Raisins. (F. D. C. No. 38314. S. Nos. 16-453/5 M.)

QUANTITY: 408 30-lb. cases at Portland, Oreg.

SHIPPED: Between 6-29-55 and 7-19-55, from Fresno, Calif., by Rosenberg Bros. & Co., Inc.

LABEL IN PART: (Case) "Sugaripe Midget [or "Select"] Seedless Raisins."

LIBELED: 9-9-55, Dist. Oreg.

CHARGE: 402 (a) (3)—contained insects, insect parts, and insect excreta; and 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-6-55. Default—destruction.

22613. Raisins. (F. D. C. No. 38320. S. No. 14-123 M.)

QUANTITY: 220 cases, 16 2-lb. pkgs. each, at Springfield, Mo.

SHIPPED: 7-18-55, from Fresno, Calif., by Bonner Packing Co.

LABEL IN PART: (Pkg.) "M F A Brand Seedless Raisins."

RESULTS OF INVESTIGATION: Inspection of the plant of Raisin Ven, Fresno, Calif., where the article was prepared, showed insanitary conditions existing which would result in contamination of the article.

LIBELED: On or about 9-20-55, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-28-55. Default—destruction.

22614. Raisins. (F. D. C. No. 38323. S. No. 25-865 M.)

QUANTITY: 74 30-lb. cases at Sioux City, Iowa.

SHIPPED: 7-21-55, from Fresno, Calif., by El Mar Packing Co.

LABEL IN PART: "Bakers Special Midget Thompson Seedless Raisins."

LIBELED: 9-16-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-18-55. Default—denatured for use as animal feed.

FRESH FRUIT

22615. Fresh blueberries. (F. D. C. No. 37148. S. No. 35-855 M.)

QUANTITY: 10 cases, 16 1-qt. boxes each, at Chicago, Ill.

SHIPPED: 7-20-55 and 7-21-55, from Hartford, Mich., by Berlin St. John.

LIBELED: 8-12-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained maggots when shipped.

DISPOSITION: 10-10-55. Default—destruction.

VEGETABLES

22616. Canned corn. (F. D. C. No. 38042. S. No. 19-066 M.)

QUANTITY: 379 cases, 6 6-lb., 12-oz. cans each, at Indianapolis, Ind.

SHIPPED: Between 1-4-55 and 3-28-55, from Gibson City, Ill., by Stokely-Van Camp, Inc.

LABEL IN PART: (Can) "Stokely's Finest Cream Style Golden Corn."

LIBELED: 5-12-55, S. Dist. Ind.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 6-15-55. Default—consumption by animals.

22617. Canned corn. (F. D. C. No. 38035. S. No. 14-107 M.)

QUANTITY: 180 cases, 24 1-lb., 1-oz. cans each, at Springfield, Mo.

SHIPPED: 9-27-54, from Washington, Ill., by Libby, McNeill & Libby, Inc.

LABEL IN PART: (Can) "Rose-Dale Cream Style Golden Sweet Corn."

LIBELED: 5-4-55, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained worms when shipped.

DISPOSITION: Libby, McNeill & Libby, Inc., claimant, having consented to the entry of a decree, the court, on 9-23-55, entered a decree condemning that portion of the article which analysis had revealed to be adulterated within the meaning of the law and releasing to the claimant for sale that portion which analysis had revealed to be unadulterated.

The article was segregated, and the adulterated portion, consisting of 113 cases, was destroyed.

22618. Canned corn. (F. D. C. No. 38037. S. No. 14-220 M.)

QUANTITY: 29 cases, 48 8-oz. cans each, at Mexico, Mo.

SHIPPED: 3-9-55, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "IGA * * * Cream Style White Sweet Corn."

LIBELED: 5-5-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 6-1-55. Default—destruction.

22619. Olives. (F. D. C. No. 38188. S. No. 18-635 M.)

QUANTITY: 450 drums at Bronx, N. Y.

SHIPPED: 3-8-55 and 4-23-55, from Del Rey, Calif., by Mondavi Helzer Packing Co.

LABEL IN PART: (Drum) "Florio Brand Extra Fancy Select Salt Cured Oil Coated Mission Olives * * * 50 lbs. Net When Packed."

RESULTS OF INVESTIGATION: Inspection of Florio Brothers Olive Oil Co., Fresno, Calif., manufacturer of the article, showed insanitary conditions existed which would result in contamination of the article manufactured.

LIBELED: 6-23-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent hairs and decomposed olives; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 7-18-55. Default—destruction.

22620. Olives. (F. D. C. No. 38203. S. Nos. 13-740 M, 21-746 M.)

QUANTITY: 50 drums at Philadelphia, Pa.

SHIPPED: 4-13-55, from Oakland, Calif., by Velmar Trading Co.

LABEL IN PART: (Drum) "Belmont Olive Oil Co. 7790 E. Belmont Ave. Fresno, Calif. Mammoth 50 lbs Net Wgt. Salt Cured Olives Oil Coated."

LIBELED: 6-24-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed olives when shipped.

DISPOSITION: 10-13-55. Default—destruction.

22621. Olives. (F. D. C. No. 38251. S. Nos. 14-919 M, 18-653 M.)

QUANTITY: 32 50-lb. kegs at Garfield, N. J.

SHIPPED: 5-11-55, from San Francisco, Calif., by Soule-Gibbs & Co.

LABEL IN PART: (Keg) "Anchorage Farm Orland California Quality Products Mission Variety Olive Oil Treated Oil Coated Olives Packed By Ruland Hardy Orland Calif. Large [or "Mammoth"]."

LIBELED: 7-22-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed olives when shipped.

DISPOSITION: 9-13-55. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

22622. Canned tomatoes. (F. D. C. No. 35615. S. Nos. 43-040 L, 79-776 L.)

INFORMATION FILED: 5-27-55, N. Dist. Calif., against Flotill Products, Inc., Stockton, Calif.

SHIPPED: 2-4-54 and 2-24-54, from California to New York.

LABEL IN PART: (Cases) "24 No. 2½ California Unpeeled Pear Tomatoes"; (cans) "Gigi Brand Unpeeled Plum Tomatoes and Tomato Puree Distributed by Modesto Canning Company Modesto, Calif. Net Weight 1 Lb. 12 oz."

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

PLEA: Guilty.

DISPOSITION: 11-18-55. \$200 fine.

22623. Canned tomatoes. (F. D. C. No. 37986. S. Nos. 4-945/6 M.)

QUANTITY: 2,000 cases, 24 1-lb. cans each, at Chicago, Ill.

SHIPPED: Between 4-9-55 and 4-21-55, from Wheeler, Ark., by B & H Canning Co.

LABEL IN PART: (Can) "Iona Tomatoes."

LIBELED: 5-27-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained maggots and fly eggs when shipped.

DISPOSITION: 8-23-55. Default—destruction.

22624. Canned tomatoes. (F. D. C. No. 38050. S. Nos. 14-476/7 M.)

QUANTITY: 1,694 cases, 24 1-lb. cans each, at East St. Louis, Ill.

SHIPPED: 4-2-55 and 4-25-55, from Wheeler, Ark., by B & H Canning Co.

LABEL IN PART: (Can) "Iona Tomatoes."

LIBELED: 5-18-55, E. Dist. Ill.

CHARGE: 402 (a) (3)—contained maggots and fly eggs when shipped.

DISPOSITION: 6-9-55. Default—destruction.

22625. Tomato catsup. (F. D. C. No. 37761. S. No. 3-900 M.)

QUANTITY: 128 cases, 6 7-lb. cans each, at Wilson, N. Y.

SHIPPED: 12-28-54, from McKees Rocks, Pa., by John Sexton & Co.

LABEL IN PART: (Can) "La Salle * * * Tomato Catsup."

LIBELED: 1-24-55, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-22-55. Default—destruction.

22626. Tomato juice. (F. D. C. No. 38135. S. Nos. 10-301/2 M, 10-369/71 M.)

INFORMATION FILED: 10-17-55, N. Dist. Ohio, against Bauer Canneries, Inc., Hamler, Ohio, and Clarence J. Bauer, president.

SHIPPED: Between 9-24-54 and 11-13-54, from Ohio to Wisconsin and Minnesota.

LABEL IN PART: (Can) "Clover Farm Brand Tomato Juice Net Contents 1 Qt. 14 Fl. Oz.," "Foodland Tomato Juice Net Contents 1 Quart 14 Fl. Oz.," "Contents 1 Qt. 14 Fl. Ozs. Happy Host Brand Tomato Juice," "Table Hints Brand Tomato Juice Contents 1 Qt. 14 Fl. Ozs.," or "Bauer Tomato Juice Contents 1 Qt. 14 Fl. Ozs. Packed By Bauer Canneries, Inc. Hamler, Ohio."

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material when shipped.

PLEA: Nolo contendere.

DISPOSITION: 11-28-55. Corporation fined \$100 on each of 3 counts—fine suspended on counts 2 and 3; individual fined \$100 on each of 3 counts.

22627. Tomato juice. (F. D. C. No. 37884. S. Nos. 6-253 M, 11-367 M.)

INFORMATION FILED: 9-7-55, W. Dist. N. Y., against Abraham Lustig, Inc., Hamlin, N. Y.

SHIPPED: Between 9-30-54 and 10-4-54, from New York to Louisiana and Ohio.

LABEL IN PART: (Can) "Iona Tomato Juice * * * The Great Atlantic & Pacific Tea Co. New York, N. Y. Distributors."

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

PLEA: Guilty.

DISPOSITION: 11-28-55. \$500 fine.

22628. Tomato juice. (F. D. C. No. 37759. S. No. 6-016 M.)

QUANTITY: 753 cases, 12 1-qt., 14-oz. cans each, at Nashville, Tenn.

SHIPPED: 10-28-54, from Defiance, Ohio, by Lutz Bros. Canning Co., Inc.

LABEL IN PART: (Can) "Lutz's Pride Tomato Juice."

LIBELED: 1-21-55, M. Dist. Tenn.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 5-19-55. Default—consumption by animals.

22629. Tomato juice. (F. D. C. No. 37766. S. Nos. 10-301/2 M.)

QUANTITY: 352 cases, 12 1-qt., 14-oz. cans each, at Rice Lake, Wis.

SHIPPED: 11-13-54, from Hamler, Ohio, by Bauer Canneries, Inc.

LABEL IN PART: (Can) "Clover Farm Brand Tomato Juice" or "Foodland Tomato Juice."

LIBELED: 1-26-55, W. Dist. Wis.

CHARGE: 402 (a) (3)—contained fly eggs and decomposed tomato material when shipped.

DISPOSITION: 2-23-55. Default—destruction.

MEAT AND POULTRY

22630. Canned frankfurts and canned pork loin. (F. D. C. No. 38274. S. Nos. 30-071/2 M.)

QUANTITY: 21 cases, 48 4 $\frac{1}{4}$ -oz. jars each, of frankfurts, and 15 cases, 48 9-oz. cans each, of pork loin at Baltimore, Md.

SHIPPED: During July 1955, from Brooklyn, N. Y., by Lorraine Trading Corp.

LABEL IN PART: (Jar and can) "Mill Brand Cocktail Frankfurts [or "Boneless Smoked And Cured Pork Loin"] * * * Product Of Holland."

LIBELED: On or about 8-5-55, Dist. Md.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 9-27-55. Consent—claimed by Louis Fisher, t/a Joe Fisher Specialty House, Baltimore, Md. Segregated, 86 jars of frankfurts and 9 cans of pork loin destroyed.

22631. Frozen frog legs. (F. D. C. No. 38344. S. No. 35-607 M.)

QUANTITY: 9 cases, 6 boxes each, at Detroit, Mich.

SHIPPED: 8-5-55, from Miami, Fla., by Gulf Stream Quick Frozen Foods, Inc.

LABEL IN PART: (Box) "Jumbo Gulfstream Brand Cuban Frog Legs Product of Cuba Net Five Pounds."

LIBELED: 10-4-55, E. Dist. Mich.

CHARGE: 402 (a) (3)—contained decomposed frog legs when shipped.

DISPOSITION: 11-17-55. Default—destruction.

22632. Dressed poultry. (F. D. C. No. 38114. S. No. 13-162 M.)

INFORMATION FILED: 7-13-55, Dist. Del., against Harry Levin, t/a King Cut Poultry, Wilmington, Del.

SHIPPED: 12-9-54, from Delaware to Pennsylvania.

CHARGE: 402 (a) (3)—contained dirty poultry and extensively bruised poultry ; and 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 9-30-55. \$75 fine.

22633. Dressed poultry. (F. D. C. No. 38134. S. No. 13-170 M.)

INFORMATION FILED: 8-9-55, Dist. Del., against Harvey Mintzer, New Castle, Del.

SHIPPED: 1-20-55, from Delaware to Pennsylvania.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material ; and 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 11-8-55. \$75 fine.

22634. Dressed poultry. (F. D. C. No. 38207. S. No. 11-876 M.)

QUANTITY: 3,486 lbs. in 52 crates at New York, N. Y.

SHIPPED: 6-14-55, from South Royalton, Vt., by Vermont Poultry Outlet, Inc.

LIBELED: 6-29-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material and extensively bruised birds ; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 8-18-55. Default—destruction.

22635. Dressed poultry. (F. D. C. No. 37947. S. No. 11-873 M.)

QUANTITY: 3,700 lbs. in 51 crates at Brooklyn, N. Y.

SHIPPED: 4-10-55, from Snow Hill, Md., by Maryland Chicken Processors, Inc.

LIBELED: 4-25-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter, decomposed birds, and extensively bruised birds when shipped.

DISPOSITION: 6-30-55. Default—destruction.

22636. Dressed poultry. (F. D. C. No. 37926. S. No. 17-094 M.)

QUANTITY: 809 lbs. in 19 crates at Norfolk, Va.

SHIPPED: 3-25-55, from Pittsboro, N. C., by Webster Poultry Co.

LIBELED: 4-20-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter ; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 6-27-55. Default—destruction.

22637. Dressed poultry. (F. D. C. No. 38334. S. No. 7-199 M.)

QUANTITY: 12 crates, 24 birds each, at Loveland, Colo.

SHIPPED: 9-19-55, from Center, Tex., by Dennison Poultry & Egg Co.

LABEL IN PART: "Quality Farm Fed Fryers The Best of the Best Grade."

LIBELED: 9-28-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter when shipped.

DISPOSITION: 12-8-55. Default—destruction.

22638. Frozen dressed poultry. (F. D. C. No. 38220. S. Nos. 12-916/7 M.)

QUANTITY: 13,361 lbs. in 217 crates at Philadelphia, Pa.

SHIPPED: The article was delivered for introduction into interstate commerce for shipment to Puerto Rico and was rejected by the carrier.

LIBELED: 6-30-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter, decomposed birds, and extensively bruised birds; and 403 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 9-15-55. Default—destruction.

22639. Frozen dressed poultry. (F. D. C. No. 38038. S. No. 9-051 M.)

QUANTITY: 130 50-lb. crates at Los Angeles, Calif.

SHIPPED: 3-8-55, from Dallas, Tex., by G. E. Foods Co.

LIBELED: 5-5-55, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained decomposed birds, extensively bruised birds, and improperly bled birds; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 6-2-55. Consent—claimed by Local & Western Shippers of Calif., Inc., Dallas, Tex. Segregated, 3,498 lbs. destroyed.

22640. Frozen dressed poultry. (F. D. C. No. 38211. S. No. 3-709 M.)

QUANTITY: 1,169 lbs. in 24 crates at Manchester, N. H.

SHIPPED: 6-1-55, from Roxbury, Mass., by Louis Singer, t/a Sheila Poultry Mart.

LIBELED: 6-27-55, Dist. N. H.

CHARGE: 402 (a) (3)—contained decomposed birds and extensively bruised birds when shipped.

DISPOSITION: 9-7-55. Default—destruction.

22641. Dressed turkeys. (F. D. C. No. 37942. S. No. 11-872 M.)

QUANTITY: 938 lbs. in 16 crates at New York, N. Y.

SHIPPED: On or about 4-5-55, from Smyrna, Del., by Quality Belts, Inc.

LIBELED: 5-5-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter, feathers, and other foreign material when shipped.

DISPOSITION: 6-3-55. Default—destruction.

22642. Dressed turkeys. (F. D. C. No. 38209. S. No. 11-874 M.)

QUANTITY: 282 lbs. in 5 crates at New York, N. Y.

SHIPPED: 6-14-55, from New Oxford, Pa., by Winter Gardens.

LIBELED: 7-19-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with feathers and extraneous material; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 7-22-55. Default—destruction.

22643. Dressed turkeys. (F. D. C. No. 38210. S. No. 11-875 M.)

QUANTITY: 3 crates at New York, N. Y.

SHIPPED: 6-9-55, from Monroe, N. C., by Monroe Turkey Processing Plant, Inc.

LIBELED: 6-30-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with feathers and extraneous material and birds which were extensively bruised; and 402 (a) (5)—contained diseased birds.

DISPOSITION: 7-22-55. Default—destruction.

NUTS AND NUT PRODUCTS*

22644. Unshelled pine nuts. (F. D. C. No. 38099. S. No. 9-571 M.)

QUANTITY: 4 100-lb. bags, 10 50-lb. bags, and 1 15-lb. bag at Los Angeles, Calif.

SHIPPED: 4-12-55, from Gallup, N. Mex., by Tobe Turpen's Trading Post.

LABEL IN PART: (Bag) "New Mexico Pine Nuts."

LIBELED: 7-20-55, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained animal excrement when shipped.

DISPOSITION: 8-4-55. Consent—claimed by Jacob Glasser, t/a Torn & Glasser, Los Angeles, Calif. The article was satisfactorily reconditioned by blowing, hand picking, washing in a detergent solution then in fresh water, and drying.

22645. Coconut. (F. D. C. No. 37946. S. Nos. 17-418 M, 17-420 M.)

QUANTITY: 29 100-lb. bags at Richmond, Va., in possession of Schneider Transfer.

SHIPPED: 9-20-54, from Hoboken, N. J.

LIBELED: 4-20-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained rodent excreta, rodent urine, rodent hairs, and rodent nesting material; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-2-55. Default as to 7 bags seized—consumption by animals.

22646. Peanut butter. (F. D. C. No. 38296. S. No. 32-832 M.)

QUANTITY: 39 cases, 12 1-lb., 2-oz. tumblers each, at Denver, Colo.

SHIPPED: 6-15-55, from Chicago, Ill., by Derby Foods, Inc.

LABEL IN PART: (Tumbler) "Derby Peter Pan Crunchy Peanut Butter."

LIBELED: 8-19-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-17-55. Default—destruction.

*See also No. 22578.

SPICES, FLAVORS, AND SEASONING MATERIALS

22647. Black pepper. (F. D. C. No. 38122. S. No. 5-249 M.)

INFORMATION FILED: 7-20-55, Dist. Md., against Baltimore Spice Co., a partnership, Baltimore, Md.

SHIPPED: 4-1-55, from Maryland to Michigan.

LABEL IN PART: (Drum) "Baltimore Spice Co. Baltimore, Maryland Micro Grind Black Pepper."

RESULTS OF INVESTIGATION: Analysis revealed that the article consisted of black pepper with 53.2 percent salt.

CHARGE: 402 (b) (2)—salt had been substituted for black pepper when shipped; 402 (b) (4)—salt had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength; 403 (a)—the label statement "Black Pepper" was false and misleading since the article consisted of a mixture of black pepper and salt; and 403 (b)—a mixture of black pepper and salt was offered for sale under the name of another food, black pepper.

PLEA: Nolo contendere.

DISPOSITION: 11-25-55. \$500 fine, plus costs.

22648. Spice. (F. D. C. No. 37902. S. No. 12-902 M.)

QUANTITY: 1 100-lb. drum at Vineland, N. J.

SHIPPED: 2-15-55, from Philadelphia, Pa., by Brokay Products.

LABEL IN PART: (Drum) "Brokay Spicely Spice."

LIBELED: 3-24-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-24-55. Default—destruction.

22649. Flavor buds. (F. D. C. No. 37976. S. No. 2-617 M)

QUANTITY: 24 3-qt. cans at Alexandria, Va.

SHIPPED: 2-25-55, from Brooklyn, N. Y., by Alpha Aromatics, Inc.

LABEL IN PART: (Can) "Aromatics Alpha Incorporated Raspberry [or "Lemon"] Flavor Buds."

LIBELED: 5-18-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 9-26-55. Default—destruction.

22650. Whole fennel seed. (F. D. C. No. 37961. S. No. 5-446 M.)

QUANTITY: 1 75-lb. drum at Chicago, Ill.

SHIPPED: 3-1-55, from New York, N. Y., by C. M. Van Sillevoldt, Inc.

LIBELED: 5-10-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects and insect fragments when shipped.

DISPOSITION: 6-9-55. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22551 TO 22650

PRODUCTS

	N. J. No.		N. J. No.
Bakery products	22551-22555	Lemon flavor	22649
Barley	22562	Macaroni and noodle prod-	
Blueberries, fresh	22615	ucts	22559-22561
Bread	22551	Meat and poultry	22630-22643
date nut	22552	Milk, powder, skim	22593
Butter	22579-22589	solids, nonfat dry	22594
Candy. <i>See</i> Confectionery.		Noodles. <i>See</i> Macaroni and	
Catsup, tomato	22625	noodle products.	
Cereals and cereal prod-		Nuts and nut products	22578, 22644-
ucts	22551-22568		22646
Cheese	22590, 22591	Oats, rolled	22558
Coconut	22645	Olives	22619-22621
Confectionery	22569-22578	Oysters	22608, 22609
Cookies	22553, 22554	Peanut(s), butter	22646
Corn	22563, 22564	sugar-coated	22578
canned	22616-22618	Pepper, black	22647
Chips (corn product)	22568	Perch fillets, frozen	22602
Crabmeat, fresh	22606, 22607	Pies, frozen	22555
Cream	22592	Pine nuts, unshelled	22644
Dairy products	22579-22594	Popcorn, shelled	22565
Date nut bread	22552	Pork loin, canned	22630
Egg(s), frozen	22595-22599	Poultry. <i>See</i> Meat and poultry.	
yolks, frozen	22600	Raisins	22611-22614
Fennel seed, whole	22650	Raspberry flavor	22649
Figs	22610	Salmon, canned	22603
Fish and shellfish	22601-22609	Shellfish. <i>See</i> Fish and shell-	
Flavors. <i>See</i> Spices, flavors, and		fish.	
seasoning materials.		Spaghetti. <i>See</i> Macaroni and	
Flour	22556-22558	noodle products.	
Frankfurts, canned	22630	Spices, flavors, and seasoning	
Frog legs, frozen	22631	materials	22647-22650
Fruits and vegetables	22610-22629	Tomato(es), canned	22622-22624
fruit, dried	22610-22614	catsup	22625
fresh	22615	juice	22626-22629
tomatoes and tomato prod-		Vegetables. <i>See</i> Fruits and vege-	
ucts	22622-22629	tables.	
vegetables	22616-22621	Wheat	22566, 22567
Herring fillets in brine	22601	Whitefish, fresh	22604, 22605

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Acme Potato Chip Co. <i>See</i> Hanly,		American Biscuit Co. :	
J. A.		cookies	22554
Allebrand, G. A. :		American Sea Foods :	
butter	22579	oysters	22609
Alpha Aromatics, Inc. :		Armour Creameries :	
flavor buds	22649	butter	22579, 22585, 22586

	N. J. No.		N. J. No.
Arnold-Hoover, Inc.:		El Mar Packing Co.:	
sliced figs-----	22610	raisins-----	22614
Atlantic & Pacific Tea Co.:		El Reno Poultry & Egg Co.:	
tomato juice-----	22627	butter-----	22587, 22589
B & H Canning Co.:		Falls City Creamery Co.:	
canned tomatoes-----	22623, 22624	butter-----	22582
Ballas Egg Products Co., Inc.:		Fingerhut, Joseph:	
frozen eggs-----	22597	sugar-coated peanuts-----	22578
Baltimore Spice Co.:		Fitzgerald, Wm., Milk Products	
black pepper-----	22647	Co.:	
Bauer, C. J.:		skim milk powder-----	22593
tomato juice-----	22626	Florio Brothers Olive Oil Co.:	
Bauer Canneries, Inc.:		olives-----	22619
tomato juice-----	22626, 22629	Flotill Products, Inc.:	
Belmont Olive Oil Co.:		canned tomatoes-----	22622
olives-----	22620	Fox DeLuxe Foods, Inc.:	
Bonner Packing Co.:		butter-----	22587
raisins-----	22613	Franks, M. E., Inc.:	
Boston Bonnie Fisheries:		nonfat dry milk solids-----	22594
frozen ocean perch fillets-----	22602	G. E. Foods Co.:	
Brokay Products:		frozen dressed poultry-----	22639
spice-----	22648	George, Anthony:	
Canadian Fish Products:		candy-----	22570
fresh dressed whitefish-----	22605	Grand Macaroni Mfg. Co.:	
Centre Bakery. <i>See</i> Iacono,		macaroni and spaghetti-----	22560
Mario.		Gulf Stream Quick Frozen Foods,	
Charland Candy Mfg. Co.:		Inc.:	
candy-----	22573	frozen frog legs-----	22631
Cowan, K. D.:		Hanly, J. A.:	
corn-----	22564	Corn Chips-----	22568
Cuneo, F. C.:		Hardy, Ruland:	
candy-----	22571	olives-----	22621
Curtiss Candy Co.:		Havmor Food Products, Inc.:	
candy-----	22570	sugar-coated peanuts-----	22578
Deep Sea Fillet Corp.:		Hay, E. C., & Sons, Inc.:	
frozen ocean perch fillets-----	22602	wheat-----	22566
Dennison Poultry & Egg Co.:		Hill, H. H.:	
dressed poultry-----	22637	candy-----	22569
De-Raef Corp.:		Hoerr, C. C., Jr.:	
milk powder, skim-----	22593	flour and rolled oats-----	22558
solids, nonfat dry-----	22594	Hoerr, Chris, & Son Co.:	
Derby Foods, Inc.:		flour and rolled oats-----	22558
peanut butter-----	22646	Hoffman & Dudo:	
Dexter Bishop Co., Inc. <i>See</i>		cheese-----	22590
Redmond, Arthur, Co.		Hollywood Creamery Co.:	
Doyle, J. L.:		butter-----	22579
candy-----	22575	Iacono, Mario:	
Doyle Candy Co. <i>See</i> Doyle, J. L.		cookies-----	22553
East Texas Candy Co.:		King Cut Poultry. <i>See</i> Levin,	
candy-----	22570, 22577	Harry.	

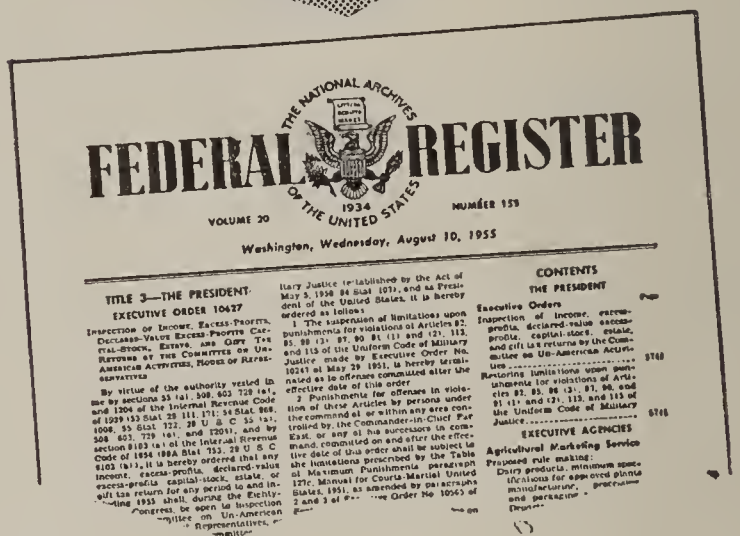
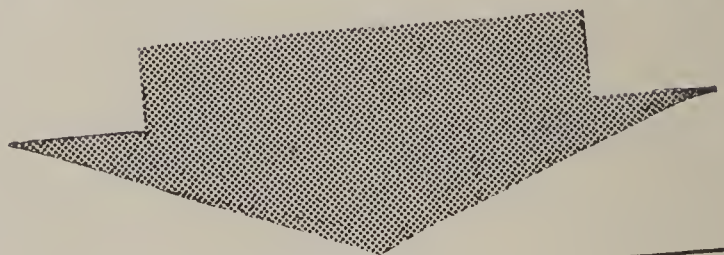
	N. J. No.		N. J. No.
Kirby, D. T.:		Ozio Fisheries. <i>See</i> Ozio, L. T.,	
frozen ocean perch fillets-----	22602	Sr.	
Kuertz Food Products Co.:		Pfau, C. R.:	
egg noodles-----	22561	wheat-----	22567
Lee's, Mrs., Pies, Inc.:		Philadelphia Macaroni Co., Inc.:	
frozen pies-----	22555	macaroni-----	22559
Levin, Harry:		Philipsborn, M. M., Jr.:	
dressed poultry-----	22632	candy-----	22569
Libby, McNeill & Libby, Inc.:		Pino, Matteo:	
canned corn-----	22617	candy-----	22574
Liddell Candy Co.:		Quality Belts, Inc.:	
candy-----	22570	dressed turkeys-----	22641
Linton Cream Station:		Raisin Ven:	
cream-----	22592	raisins-----	22613
Lion Specialty Co.:		Read, A. G.:	
candy-----	22571	frozen pies-----	22555
Lorraine Trading Corp.:		Read, A. G., Inc. <i>See</i> Lee's, Mrs.,	
canned frankfurts and canned		Pies, Inc.	
pork loin-----	22630	Redmond, Arthur, Co.:	
Lustig, Abraham, Inc.:		frozen eggs-----	22598
tomato juice-----	22627	Reuther's Seafood Co., Inc.:	
Lutz Bros. Canning Co., Inc.:		fresh crabmeat-----	22607
tomato juice-----	22628	Romano, Catherine and Charles:	
Maryland Chicken Processors,		candy-----	22573
Inc.:		Roncace, Louis:	
dressed poultry-----	22635	macaroni-----	22559
Milford Canning Co.:		Rosenberg Bros. & Co., Inc.:	
canned corn-----	22618	raisins-----	22612
Mintzer, Harvey:		Rossi, J. A.:	
dressed poultry-----	22633	bread-----	22551
Modesto Canning Co.:		Rossi, Leo, Baking Co.:	
canned tomatoes-----	22622	bread-----	22551
Mondavi & Helzer Packing Co.:		Rossi's, Leo, Bakery. <i>See</i> Rossi,	
olives-----	22619	J. A.	
Monroe Turkey Processing Plant,		St. John, Berlin:	
Inc.:		fresh blueberries-----	22615
dressed turkeys-----	22643	Sanders-McKee Potato Chip Co.:	
National Egg Co.:		Corn Chips-----	22568
frozen eggs-----	22599	Saskatchewan Fish Marketing	
North Penn Candy Co. <i>See</i> Pino,		Service:	
Matteo.		fresh whitefish-----	22604
Norwich Equity Cooperative Ele-		Sayler, Otto:	
vator Co.:		cream-----	22592
barley-----	22562	Schneider Transfer:	
Ogdensburg Creameries, Inc.:		coconut-----	22645
cheese-----	22591	Schulze, Paul A., Co.:	
Oswego Candy Co., Inc.:		butter-----	22581
candy-----	22572	Schwartz, Jacob, and Victor:	
Ozio, L. T., Sr.:		candy-----	22576
fresh crabmeat-----	22606		

	N. J. No.		N. J. No.
Schwartz, J., & Sons:		Tower City Grain Co. <i>See</i> Pfau,	
candy -----	22576	C. R.	
Scroggins Grain Co.:		Treakle, Thornton A., & Son:	
corn -----	22563	herring fillets in brine -----	22601
Seacoast Oyster Co., Inc.:		Trenton Milling Co.:	
oysters -----	22608	flour -----	22556
Sell-Low Wholesalers:		Turpen's, Tobe, Trading Post:	
canned salmon -----	22603	unshelled pine nuts -----	22644
Sexton, John, & Co.:		Tusan Packing Co.:	
tomato catsup -----	22625	raisins -----	22611
Sheboygan Produce Co.:		Van Sillevoldt, C. M., Inc.:	
frozen eggs -----	22595, 22596	whole fennel seed -----	22650
Sheila Poultry Mart. <i>See</i> Singer,		Velmar Trading Co.:	
Louis.		olives -----	22620
Singer, Louis:		Verdigre Creamery:	
frozen dressed poultry -----	22640	butter -----	22583
Soule-Gibbs & Co.:		Vermont Poultry Outlet, Inc.:	
olives -----	22621	dressed poultry -----	22634
Stokely-Van Camp, Inc.:		Webster Poultry Co.:	
canned corn -----	22616	dressed poultry -----	22636
Stone, J. H.:		Weston, H. F.:	
candy -----	22572	date nut bread -----	22552
Strickland, John L., Co., Inc.:		Weston, H. F., & Co. <i>See</i> Weston,	
shelled popcorn -----	22565	H. F.	
Tanner Flour Mills:		Winter Gardens:	
flour -----	22557	dressed turkeys -----	22642
Tierney, Henry, Sr.:		Zion Industries, Inc.:	
cheese -----	22591	candy -----	22569

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U. S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22651-22750

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce; and, in addition, one case involves the sale of or offer to sell oleomargarine, and another the possession of and serving of oleomargarine contrary to the law. These cases involve (1) seizure proceedings which were terminated with the entry of default or consent decrees of condemnation and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., August 7, 1956.

CONTENTS

	Page		Page
Beverages and beverage materials	226	Fruits and vegetables—Continued	
Cereals and cereal products	228	Tomatoes and tomato products	239
Flour	228	Nuts and nut products	240
Macaroni and noodle products	231	Oleomargarine	242
Miscellaneous cereals and cereal products	231	Spices, flavors, and seasoning materials	242
Fruits and vegetables	235	Vitamin, mineral, and other products of special dietary significance	245
Canned fruit	235	Index	246
Dried fruit	237		
Jams, jellies, and preserves	237		
Vegetables	238		

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22651-22750**

Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 402 (b) (2), a substance had been substituted wholly or in part for the article.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (b), the article had been offered for sale under the name of another food.

Oleomargarine, Section 407 (b) (3), the label of the article, when sold and offered for sale, failed to bear the word "oleomargarine" or "margarine" and a full and accurate statement of all the ingredients contained in such oleomargarine or margarine; Section 407 (c), colored oleomargarine or margarine was possessed in a form ready for serving at a public eating place, and no notice that oleomargarine or margarine was being served was displayed; and colored oleomargarine or colored margarine was served at a public eating place, and each separate serving neither bore, nor was accompanied by, labeling identifying it as oleomargarine or margarine, and it was not triangular in shape.

BEVERAGES AND BEVERAGE MATERIALS

22651. Fruit beverage bases. (F. D. C. No. 35608. S. Nos. 66-368 L, 66-371 L, 66-374 L, 88-608 L.)

INFORMATION FILED: 4-12-55, N. Dist. Ill., against Harvest Sun Products, Inc., Chicago, Ill., Forrest J. Plymate, president, and James L. Reynolds, treasurer.

SHIPPED: Between 7-10-53 and 3-26-54, from Illinois to Wisconsin.

LABEL IN PART: (Btl.) "Net Contents 1 Gallon Dalee Breakfast Orange Flavored Base 1 to 20 [or "'Dalee' Pure Fruit Concord Grape Concentrate" or "Grapefruit Rickey 1 to 20"] Harvest Sun Products, Inc. 1521 West Walton Street, Chicago 22, Illinois."

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, quaternary ammonium compound, which is unsafe within the meaning of the law since it is not required in the production of the food and can be avoided by good manufacturing practice.

PLEA: Nolo contendere.

DISPOSITION: 12-16-55. Corporation fined \$600, plus costs; each individual fined \$200.

22652. Coffee. (F. D. C. No. 37872. S. Nos. 14-544/5 M.)

INFORMATION FILED: 6-1-55, E. Dist. Mo., against H. P. Coffee Co., a corporation, St. Louis, Mo., and Wm. H. Petring, Sr., president.

VIOLATION: Between 12-26-54 and 2-15-55, the defendants caused a quantity of coffee while held for sale to be placed in a building inhabited by cats and to be exposed to contamination by cats, which acts resulted in the article being adulterated.

CHARGE: 402 (a) (3)—contained cat excreta; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-27-55. \$50 fine against each defendant.

22653. Roasted ground coffee. (F. D. C. No. 36652. S. No. 80-457 L.)

INFORMATION FILED: 1-10-55, E. Dist. Pa., against George E. Kramer, Philadelphia, Pa.

ALLEGED VIOLATION: The information alleged that within the period from 3-15-54 to 4-6-54, while a quantity of coffee was being held for sale, the defendant caused quantities of cereal and chicory to be mixed and packed therewith, which act resulted in the article being adulterated and misbranded.

LABEL IN PART: (Bag) "All Purpose Grind It's Grand Fresh Roasted Coffee Thermalco Roasted Coffee Packed By G. Kramer Phila., Pa."

CHARGE: 402 (b) (2)—cereal and chicory had been substituted in part for coffee; and 403 (b)—a mixture of cereal, chicory, and coffee was offered for sale under the name of another food, coffee.

PLEA: Nolo contendere.

DISPOSITION: 12-12-55. \$75 fine.

22654. Coffee sweeps. (F. D. C. No. 38299. S. No. 14-966 M.)

QUANTITY: 67 150-lb. bags at San Francisco, Calif.

SHIPPED: From foreign countries on unknown dates.

LIBELED: 8-22-55, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained dirt, insects, rodent excreta, cigarette butts, and miscellaneous debris while held for sale..

DISPOSITION: 9-6-55. Default—destruction.

22655. Coffee sweeps. (F. D. C. No. 31417. S. Nos. 37-534/5 L.)

QUANTITY: 44 bags at Brooklyn, N. Y.

SHIPPED: From Mexico, Brazil, and other countries during the last 2 or more years.

LIBELED: 8-3-51, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained dirty beans and pieces of wood, brick, and mortar while held for sale.

DISPOSITION: J. Aron & Co., Inc., Leon Israel & Bros., Inc., Schaefer Klaussman Co., Inc., East Asiatic Co., Inc., and Andres Uribo & Machado & Co., all of New York, N. Y., and Albert Ehlers, Inc., Flushing, N. Y., claimants, filed an answer denying that the product was adulterated as alleged. Thereafter, the claimants failed to respond to interrogatories served upon them by the Government, and, on 3-29-55, a default decree was entered condemning the product and ordering its destruction.

22656. Coffee sweeps. (F. D. C. No. 33933. S. No. 37-880 L.)

QUANTITY: 1,520 lbs. at Brooklyn, N. Y., in possession of Prentice Stores Division, New York Dock Co.

SHIPPED: From foreign countries on various dates.

LIBELED: 10-15-52, E. Dist. N. Y.

CHARGE: 402 (a) (4)—prepared, packed, and held under insanitary conditions while held for sale.

DISPOSITION: On 11-17-52, J. Aron & Co., Inc., New York, N. Y., filed an answer denying that the product was adulterated as alleged. Thereafter, the claimant failed to respond to interrogatories served upon him by the Government, and, on 3-28-55, a default decree was entered condemning the product and ordering its destruction.

CEREALS AND CEREAL PRODUCTS

FLOUR*

22657. Flour. (F. D. C. No. 38142. S. Nos. 11-008/9 M.)

INFORMATION FILED: 9-23-55, N. Dist. Miss., against L. W. Richardson & Co., Inc., Columbus, Miss., and Clayton H. Richardson, president.

ALLEGED VIOLATION: Between 2-7-55 and 3-10-55, while quantities of flour were being held for sale, the defendants caused the product to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the product being adulterated.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-3-55. \$25 fine against defendants jointly.

22658. Flour. (F. D. C. No. 38106. S. No. 30-814 M.)

QUANTITY: 38 100-lb. bags at Cleveland, Ohio.

SHIPPED: 3-28-55, from Grand Forks, N. Dak.

LIBELED: 8-2-55, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-15-55. Default—destruction.

22659. Flour. (F. D. C. No. 38329. S. No. 26-865 M.)

QUANTITY: 271 10-lb. bags at Bessemer, Ala.

SHIPPED: 6-17-55, from Springfield, Ill.

LIBELED: 9-21-55, N. Dist. Ala.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-26-55. Default—destruction.

22660. Flour. (F. D. C. No. 38313. S. Nos. 10-275/6 M.)

QUANTITY: 65 50-lb. bags at Oelwein, Iowa, in possession of Oelwein Elevator.

SHIPPED: 6-7-55 and 6-15-55, from Lincoln, Nebr., and Minneapolis, Minn.

LIBELED: 8-31-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-5-55. Default—consumption by animals.

*See also Nos. 22715, 22730.

22661. Flour. (F. D. C. No. 38298. S. No. 7-188 M.)

QUANTITY: 40 50-lb. bags at Denver, Colo., in possession of Gem Super Market.

SHIPPED: 5-5-55, from Ogden, Utah.

LIBELED: 8-19-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-18-55. Default—consumption by animals.

22662. Flour. (F. D. C. No. 38327. S. No. 5-341 M.)

QUANTITY: 22 50-lb. bags at Oshkosh, Wis.

SHIPPED: 2-11-55, from Wabasha, Minn.

LIBELED: 9-16-55, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-14-55. Default—destruction.

22663. Flour. (F. D. C. No. 38289. S. No. 30-628 M.)

QUANTITY: 10 100-lb. bags at Cleveland, Ohio, in possession of Sam Wah Yick Kee Co.

SHIPPED: 5-18-55, from Kansas City, Mo.

LIBELED: 8-12-55, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects and rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 9-15-55. Default—destruction.

22664. Flour. (F. D. C. No. 38102. S. No. 20-725 M.)

QUANTITY: 10 cases, 12 3½-lb. sacks each, at Wichita, Kans.

SHIPPED: 1-26-54 and 5-16-55, from St. Joseph, Mo.

LIBELED: 7-29-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-12-55. Default—destruction.

22665. Flour. (F. D. C. No. 38303. S. Nos. 26-207/8 M.)

QUANTITY: 20 50-lb. bags at Des Moines, Iowa.

SHIPPED: Between 4-29-55 and 7-21-55, from Kansas City, Mo., and Omaha, Nebr.

LIBELED: 8-24-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-8-55. Default—consumption by animals.

22666. Flour. (F. D. C. No. 38309. S. No. 30-636 M.)

QUANTITY: 37 100-lb. bags at Dayton, Ohio.

SHIPPED: 6-13-55, from Alton, Ill.

LIBELED: 8-29-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-7-55. Consent—claimed by Andrews Baking Co., Dayton, Ohio. Converted into stock feed.

22667. Flour. (F. D. C. No. 38335. S. Nos. 25-886/8 M.)

QUANTITY: 53 50-lb. bags and 68 25-lb. bags at Cedar Rapids, Iowa, in possession of Witwer Grocer Co.

SHIPPED: Between 7-30-55 and 9-5-55, from Valley City, N. Dak., and Kansas City, Mo.

LIBELED: 9-27-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-14-55. Consent—claimed by Witwer Grocer Co. Segregated, 3,925 lbs. denatured.

22668. Flour. (F. D. C. No. 38339. S. No. 2-061 M.)

QUANTITY: 9 100-lb. bags at Roanoke, Va.

SHIPPED: 4-18-55, from Springfield, Ill.

LIBELED: On or about 10-3-55, W. Dist. Va.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-2-55. Default—disposed of for use other than for human consumption.

22669. Flour. (F. D. C. No. 38353. S. Nos. 30-265/6 M.)

QUANTITY: 11 100-lb. bags at Moline, Ill.

SHIPPED: 8-4-55 and 9-7-55, from Pittsburgh, Pa.

LIBELED: 10-5-55, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-3-55. Default—destruction.

22670. Flour. (F. D. C. No. 38358. S. No. 4-099 M.)

QUANTITY: 22 50-lb. bags at Martinsburg, Pa., in possession of Martinsburg Milling Co., Inc.

SHIPPED: 7-25-55, from Buffalo, N. Y.

LIBELED: 10-6-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-22-55. Default—destruction.

22671. Flour and egg noodles. (F. D. C. No. 38255. S. Nos. 30-219/23 M, 30-225 M.)

QUANTITY: 22 50-lb. bags of flour, 30 cases, 24 5-oz. pkgs. each, and 9 cases, 12 12-oz. pkgs. each, of egg noodles, at Sparta, Ill., in possession of Burns Wholesale Grocery Co.

SHIPPED: Between 9-24-54 and 6-28-55, from St. Louis, Mo.

LIBELED: 7-25-55, E. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 8-11-55. Default—destruction.

MACARONI AND NOODLE PRODUCTS*

22672. Macaroni. (F. D. C. No. 38191. S. No. 11-894 M.)

QUANTITY: 23 cases, 20 pkgs. each, at New York, N. Y.

SHIPPED: 4-13-54, from Italy.

LIBELED: 6-24-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained moldy macaroni while held for sale.

DISPOSITION: 7-18-55. Default—destruction.

22673. Egg noodles and macaroni. (F. D. C. No. 38328. S. Nos. 31-443/4 M.)

QUANTITY: 5 cases, 24 5-oz. pkgs. each, of egg noodles, and 4 cartons, 20 1-lb. pkgs. each of macaroni, at Cincinnati, Ohio.

SHIPPED: Between 2-3-55 and 3-30-55, from Jersey City, N. J.

LIBELED: 9-19-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-24-55. Default—consumption by animals.

22674. Egg noodles. (F. D. C. No. 38308. S. No. 30-933 M.)

QUANTITY: 853 cases, 12 16-oz. pkgs. each, at Cincinnati, Ohio, in possession of Albers Super Markets, Inc.

SHIPPED: 6-20-55 and 8-9-55, from St. Louis, Mo.

LIBELED: 8-29-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects, rodent excreta, and rodent hairs; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 9-28-55. Default—consumption by animals.

22675. Egg noodles. (F. D. C. No. 38094. S. No. 14-051 M.)

QUANTITY: 33 cases, 24 5-oz. bags each, at Pine Bluff, Ark.

SHIPPED: Between 11-12-53 and 2-10-55, from Omaha, Nebr.

LIBELED: 7-14-55, E. Dist. Ark.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-17-55. Default—consumption by animals.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

22676. Corn grits. (F. D. C. No. 38330. S. No. 7-473 M.)

QUANTITY: 322 100-lb. bags at Pueblo, Colo., in possession of Walter Brewing Co.

SHIPPED: 8-19-55, from Kansas City, Mo., by Staley Milling Co.

LIBELED: 9-28-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent excreta, rodent urine, and insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-7-55. Consent—claimed by Walter Brewing Co. The claimant segregated and disposed of as animal feed 148 bags of the product which were unfit and took steps to eliminate the insanitary conditions in its warehouse.

*See also No. 22671.

22677. Unpopped popcorn. (F. D. C. No. 38272. S. No. 2-257 M.)

QUANTITY: 22 100-lb. bags at Clarksburg, W. Va.

SHIPPED: 2-23-55, from Chicago, Ill.

LIBELED: 8-9-55, N. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-16-55. Consent—delivered to a charitable institution, for use as animal feed.

22678. Unpopped popcorn. (F. D. C. No. 38340. S. No. 2-260 M.)

QUANTITY: 16 100-lb. bags at Huntington, W. Va.

SHIPPED: 4-19-55, from Murray, Ky.

LIBELED: 10-5-55, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-4-55. Default—consumption by animals.

22679. Unpopped popcorn. (F. D. C. No. 38273. S. No. 2-256 M.)

QUANTITY: 7 100-lb. bags at Morgantown, W. Va.

SHIPPED: 2-23-55, from Chicago, Ill.

LIBELED: 8-9-55, N. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-10-55. Default—consumption by animals.

22680. Unpopped popcorn. (F. D. C. No. 38103. S. No. 4-093 M.)

QUANTITY: 4 50-lb. bags and 1 50-lb. can at Pittsburgh, Pa.

SHIPPED: 3-25-55, from Evansville, Ind.

LIBELED: 7-29-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 8-30-55. Default—destruction.

22681. Rice. (F. D. C. No. 37878. S. Nos. 13-139/40 M.)

INFORMATION FILED: 7-15-55, E. Dist. Pa., against Samuel Soffer, t/a Southwark Wholesale Grocery Co., Philadelphia, Pa.

ALLEGED VIOLATION: Between 10-8-54 and 12-8-54, while quantities of rice were being held for sale, the defendant caused the product to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the product being adulterated.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and 402 (a) (4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 11-3-55. Defendant fined \$1,000 on count 1 and sentenced to imprisonment for 1 year on count 2. The prison sentence was suspended, and the defendant was placed on probation for 2 years. On 11-14-55, upon the motion of the defendant, the court ordered that he be released from probation.

22682. Rice. (F. D. C. No. 38150. S. Nos. 4-730/1 M.)

INFORMATION FILED: 10-12-55, N. Dist. N. Y., against George E. Woodin, t/a George Terminal Warehouse, Albany, N. Y.

ALLEGED VIOLATION: Between 1-3-55 and 6-8-55, while a quantity of the above-mentioned food was being held for sale, the defendant caused the product to be placed in a building that was accessible to pigeons and rodents and to be exposed to contamination by pigeons and rodents, which acts resulted in the product being adulterated.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-13-55. \$250 fine.

22683. Rice, prunes, green split peas, poppyseeds, and dried peaches. (F. D. C. No. 35604. S. Nos. 80-791/6 L.)

INFORMATION FILED: 3-30-55, E. Dist. Pa., against Jacob Kauffman, Philadelphia, Pa.

ALLEGED VIOLATION: Between 2-13-53 and 8-13-54, while quantities of the above-named foods were being held for sale, the defendant caused the products to be placed in a building that was accessible to insects and to be exposed to contamination by insects, which acts resulted in the products being adulterated.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-27-55. \$3,000 fine.

22684. Rice. (F. D. C. No. 38302. S. Nos. 26-203/4 M.)

QUANTITY: 19 bales, 6 10-lb. bags each, 2 10-lb. bags, and 5 100-lb. bags at Des Moines, Iowa.

SHIPPED: Between 6-15-54 and 2-2-55, from Stuttgart, Ark.

LIBELED: 8-23-55; amended 9-2-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-8-55. Default—consumption by animals.

22685. Rice. (F. D. C. No. 38261. S. No. 17-534 M.)

QUANTITY: 8 100-lb. bags at Baltimore, Md.

SHIPPED: 5-24-55, from Stuttgart, Ark.

LIBELED: On or about 7-28-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-6-55. Default—consumption by animals.

22686. Rice. (F. D. C. No. 38260. S. No. 17-536 M.)

QUANTITY: 20 100-lb. bags at Baltimore, Md.

SHIPPED: 4-20-55 and 5-24-55, from Stuttgart, Ark.

LIBELED: On or about 7-28-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-6-55. Default—consumption by animals.

22687. Rice. (F. D. C. No. 38196. S. No. 17-520 M.)

QUANTITY: 23 100-lb. bags at Richmond, Va., in possession of Farrer Warehouse Corp.

SHIPPED: 2-24-55, from Houston, Tex.

LIBELED: 6-22-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained rodent urine and rodent hairs; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 7-1-55. Consent—claimed by Southgate Packaging Co. and Converted Rice Co., Inc., Richmond, Va., and converted to chickenfeed.

22688. Rice. (F. D. C. No. 38258. S. Nos. 16-941/2 M.)

QUANTITY: 21 100-lb. bags and 11 25-lb. bags at Baltimore, Md.

SHIPPED: Prior to 3-9-55 and on 5-16-55, from Stuttgart, Ark.

LIBELED: 7-26-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-7-55. Default—consumption by animals.

22689. Rice. (F. D. C. No. 38284. S. No. 23-124 M.)

QUANTITY: 13 100-lb. bags at Boston, Mass.

SHIPPED: 4-20-55, from Edgewater, N. J.

LIBELED: 8-15-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-4-55. Default—destruction.

22690. Rice. (F. D. C. No. 38300. S. No. 7-189 M.)

QUANTITY: 32 100-lb. bags at Denver, Colo., in possession of Rafu Shoyu Co.

SHIPPED: 12-10-54, from San Francisco, Calif.

LIBELED: 8-19-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-21-55. Default—consumption by animals.

22691. Rice. (F. D. C. No. 38092. S. No. 26-031 M.)

QUANTITY: 157 100-lb. bags at Hopkins, Minn., in possession of Super Valu Stores, Inc.

SHIPPED: 3-15-55, from Lake Charles, La.

LIBELED: 7-13-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 7-20-55. Consent—claimed by Super Valu Stores, Inc. Segregated, 1,350 lbs. destroyed.

22692. Rice. (F. D. C. No. 37104. S. Nos. 60-731/3 L.)

QUANTITY: 28 100-lb. bags; 129 bales, 20 3-lb. bags each; 64 bales, 30 2-lb. bags each; and 5 bales, 30 1-lb. bags each, at Jacksonville, Fla.

SHIPPED: 3-25-54 and 5-31-54, from Memphis, Tenn.

LIBELED: 9-20-54, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-19-54. Consent—claimed by River Brand Rice Mills, Inc.,
Memphis, Tenn. Segregated, approximately 212 lbs. converted to animal feed.

22693. Rice. (F. D. C. No. 38333. S. No. 19-211 M.)

QUANTITY: 4 100-lb. bags at Cleveland, Ohio.

SHIPPED: 3-28-55, from De Witt, Ark.

LIBELED: 9-29-55, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained larvae while held for sale.

DISPOSITION: 11-10-55. Default—destruction.

22694. Rice. (F. D. C. No. 38348. S. Nos. 26-329/30 M.)

QUANTITY: 8 25-lb. bags and 2 100-lb. bags at Grand Rapids, Minn.

SHIPPED: 4-30-54 and 7-22-55, from De Witt, Ark.

LIBELED: 10-1-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-5-55. Default—consumption by animals.

22695. Raised biscuit mix. (F. D. C. No. 38351. S. No. 26-215 M.)

QUANTITY: 12 100-lb. bags at Des Moines, Iowa.

SHIPPED: About 1 year prior to 9-30-55, from Springfield, Ill.

LIBELED: 9-30-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-31-55. Default—consumption by animals.

FRUITS AND VEGETABLES*

CANNED FRUIT

22696. Canned assorted fruits for pie fillings (cherries, boysenberries, huckleberries, pineapples, apricots, peaches, loganberries, and gooseberries).

(F. D. C. No. 38249. S. No. 16-251 M.)

QUANTITY: 20 25-lb. cans at Seattle, Wash.

SHIPPED: 4-21-55, from Eugene, Oreg.

LIBELED: 7-27-55, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained decomposed substance and had an abnormal appearance and odor while held for sale.

DISPOSITION: 11-30-55. Default—destruction.

22697. Canned blueberries. (F. D. C. No. 37763. S. No. 13-253 M.)

QUANTITY: 27 cases, 6 14½-oz. cans each, at Harrisburg, Pa.

SHIPPED: 8-20-54, from Cedarville, N. J.

LIBELED: 1-25-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained maggots while held for sale.

DISPOSITION: 3-14-55. Default—destruction.

*See also No. 22651.

22698. Canned boysenberries. (F. D. C. No. 38293. S. Nos. 25-855/6 M.)

QUANTITY: 45 cases, 24 1-lb. cans each, at Cherokee, Iowa.

SHIPPED: 8-28-54, from Van Buren, Ark.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 8-11-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 9-13-55. Default—destruction.

22699. Canned boysenberries. (F. D. C. No. 38336. S. No. 25-890 M.)

QUANTITY: 30 cases, 24 1-lb. cans each, at Cedar Rapids, Iowa.

SHIPPED: 2-7-55 and 6-18-55, from Van Buren, Ark.

LIBELED: On or about 10-4-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 10-27-55. Default—destruction.

22700. Canned boysenberries. (F. D. C. No. 38331. S. No. 25-874 M.)

QUANTITY: 24 cases, 24 1-lb. cans each, at Blooming Prairie, Minn.

SHIPPED: 4-11-55, from Van Buren, Ark.

LIBELED: 9-28-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 11-10-55. Default—destruction.

22701. Canned boysenberries. (F. D. C. No. 38294. S. No. 25-868 M.)

QUANTITY: 12 cases, 48 15½-oz. cans, each, at New Ulm, Minn.

SHIPPED: 11-17-53, from Fullerton, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 8-16-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 11-10-55. Default—destruction.

22702. Canned cherries. (F. D. C. No. 38345. S. No. 25-898 M.)

QUANTITY: 29 cases, 6 6-lb., 9-oz. cans each, at Davenport, Iowa.

SHIPPED: 10-11-54, from Sturgeon Bay, Wis.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 9-29-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 11-8-55. Default—destruction.

22703. Canned pears and canned peaches. (F. D. C. No. 38243. S. No. 21-673 M.)

QUANTITY: 30 cases, 48 7¾-oz. jars each, at Philadelphia, Pa.

SHIPPED: 6-3-55, from Sunnyvale, Calif.

LIBELED: 7-20-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained dirt and mold under the flanges of the lids while held for sale.

DISPOSITION: 11-7-55. Default—destruction.

DRIED FRUIT*

22704. Dried currants. (F. D. C. No. 38325. S. No. 25-773 M.)

QUANTITY: 8 30-lb. cases at Minneapolis, Minn.

SHIPPED: 5-9-55, from Fowler, Calif.

LIBELED: 9-20-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained mold while held for sale.

DISPOSITION: 11-1-55. Default—consumption by animals.

22705. Pitted dates. (F. D. C. No. 38283. S. No. 12-266 M.)

QUANTITY: 267 65-lb. cases at Brooklyn, N. Y.

SHIPPED: 12-14-54, from Iran.

LIBELED: 8-16-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-16-55. Default—destruction.

22706. Figs. (F. D. C. No. 38301. S. Nos. 26-483/5 M.)

QUANTITY: 9 cases, 24 8-oz. pkgs. each, and 18 cases, 36 6-oz. pkgs. each, at Aberdeen, S. Dak.

SHIPPED: 10-26-54, from San Francisco, Calif.

LIBELED: 8-25-55, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-14-55. Consent—destruction.

22707. Raisins. (F. D. C. No. 38361. S. No. 20-107 M.)

QUANTITY: 48 30-lb. boxes at Huntington, W. Va.

SHIPPED: 12-15-54, from Locans, Calif.

LIBELED: 10-8-55, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-9-55. Default—destruction.

22708. Raisins. (F. D. C. No. 38093. S. No. 19-549 M.)

QUANTITY: 28 25-lb. cases at Kingsport, Tenn.

SHIPPED: 5-11-55, from Louisville, Ky.

LIBELED: 7-14-55, E. Dist. Tenn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-9-55. Default—destruction.

JAMS, JELLIES, AND PRESERVES

22709. Pineapple preserves. (F. D. C. No. 38292. S. No. 10-855 M.)

QUANTITY: 943 cases, 12 2-lb. jars each, at Fort Worth, Tex.

SHIPPED: 6-9-55, from Jersey City, N. J.

*See also No. 22683.

LIBELED: 8-15-55, N. Dist. Tex.

CHARGE: 402 (a) (3)—contained flies and fly parts while held for sale.

DISPOSITION: 11-28-55 and 12-7-55. Default—consumption by animals.

22710. Strawberry preserves. (F. D. C. No. 38107. S. No. 16-577 M.)

QUANTITY: 100 cases, 12 1¼-lb. jars each, at Great Falls, Mont.

SHIPPED: 4-12-55, from Portland, Oreg., by Kerr Conserving Co.

LABEL IN PART: (Jar) "Pure Preserved Strawberries, Kerr's."

LIBELED: 8-3-55, Dist. Mont.

CHARGE: 402 (a) (3)—contained decomposed strawberries when shipped.

DISPOSITION: 10-18-55. Default—destruction.

22711. Jelly. (F. D. C. No. 37817. S. Nos. 10-466/7 M.)

QUANTITY: 74 cases, 12 10-oz. tumblers each, at Fargo, N. Dak.

SHIPPED: 2-15-55, from Minneapolis, Minn., by Wm. Barnes, Inc.

LABEL IN PART: (Tumbler) "Fairway Pure Grape [or "Red Plum"] Jelly."

LIBELED: 3-15-55, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 4-29-55. Default—destruction.

VEGETABLES*

22712. Dried beans. (F. D. C. No. 38029. S. No. 15-446 M.)

QUANTITY: 125 100-lb. sacks at Turlock, Calif., in possession of Roy M. Day Co. Warehouse.

SHIPPED: 3-11-54, from Gooding, Idaho.

LIBELED: 4-25-55, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 5-26-55. Consent—claimed by Roy M. Day, a partnership. Segregated, 83 bags converted to animal feed.

22713. Dried red beans. (F. D. C. No. 38317. S. No. 30-638 M.)

QUANTITY: 8 100-lb. bags at Dayton, Ohio, in possession of Royal Souder's, Inc.

SHIPPED: 3-10-55, from Morrill, Nebr.

LIBELED: 9-15-55, S. Dist. Ohio.

CHARGE: 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-26-55. Default—consumption by animals.

22714. Dried lima beans. (F. D. C. No. 38305. S. Nos. 25-879 M, 26-542 M.)

QUANTITY: 116 100-lb. bags. at Minneapolis, Minn.

SHIPPED: Between 7-14-55 and 8-9-55, from Morrill, Nebr.

LIBELED: 8-27-55, Dist. Minn.

*See also No. 22683.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: 10-14-55. Consent—claimed by Michigan Bean Co., Saginaw, Mich. Segregated, 2,475 lbs. converted to animal feed.

22715. Navy beans and flour. (F. D. C. No. 38282. S. Nos. 25-852/3 M.)

QUANTITY: 4 100-lb. bags of navy beans and 383 50-lb. bags of flour at Sioux City, Iowa, in possession of Cohen Wholesale Grocer Co.

SHIPPED: 5-11-55 and 7-8-55, from Wabasha, Minn., and Lincoln, Nebr.

LIBELED: 8-12-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: (Flour) 9-9-55. Consent—claimed by Sooland Wholesale Grocery Co., t/a Cohen Wholesale Grocer Co. Segregated, 200 lbs. destroyed. (Beans) 9-13-55. Default—consumption by animals.

22716. Navy beans and unshelled peanuts. (F. D. C. No. 38032. S. Nos. 10-340 M, 25-801 M.)

QUANTITY: 6 100-lb. bags of navy beans and 26 100-lb. bags of peanuts at Rochester, Minn., in possession of Gamble-Robinson Co.

SHIPPED: 6-4-54 and 9-20-54, from Denver, Colo., and Suffolk, Va.

LIBELED: 5-4-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-14-55. Consent—claimed by Pacific Gamble-Robinson Co., Seattle, Wash. The beans were converted into hog feed; the peanuts were segregated and 200 lbs. were destroyed.

22717. Canned beets. (F. D. C. No. 38322. S. No. 21-517 M.)

QUANTITY: 174 cases, 24 1-lb. cans each, at Omaha, Nebr.

SHIPPED: 3-23-54 and 3-25-54, from Lake Mills, Iowa.

LIBELED: 9-16-55, Dist. Nebr.

CHARGE: 402 (a) (3)—contained chemically decomposed beets while held for sale.

DISPOSITION: 10-24-55. Consent—destruction.

22718. Chickpeas. (F. D. C. No. 38190. S. No. 11-895 M.)

QUANTITY: 17 100-lb. bags at New York, N. Y.

SHIPPED: 7-9-53, from Mexico.

LIBELED: 6-24-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect-infested peas and moldy peas while held for sale.

DISPOSITION: 7-15-55. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

22719. Canned tomatoes. (F. D. C. No. 38193. S. No. 11-897 M.)

QUANTITY: 253 cases, 6 6-lb., 9-oz. cans each, at New York, N. Y.

SHIPPED: 3-16-55, from Italy.

LIBELED: 6-24-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 7-29-55. Default—destruction.

22720. Tomato paste. (F. D. C. No. 38319. S. No. 36-412 M.)

QUANTITY: 1,164 6½-oz. cans at Detroit, Mich.

SHIPPED: 4-9-53, from Hoboken, N. J.

LIBELED: 9-16-55, E. Dist. Mich.

CHARGE: 402 (a) (3)—had a bitter metallic taste while held for sale.

DISPOSITION: 11-21-55. Default—destruction.

NUTS AND NUT PRODUCTS*

22721. Cashew pieces. (F. D. C. No. 38304. S. No. 25-869 M.)

QUANTITY: 7 25-lb. tins at Minneapolis, Minn.

SHIPPED: 7-25-55, from New York, N. Y.

LIBELED: 8-26-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-26-55. Consent—claimed by Boynton Candy & Nut Co., Minneapolis, Minn. Segregated, 4 pounds destroyed.

22722. Shelled peanuts. (F. D. C. No. 38087. S. Nos. 18-802/4 M.)

QUANTITY: 152 120-lb. bags at Columbus, Ohio.

SHIPPED: 5-19-55, from Eufaula, Ala., by Reeves Peanut Co.

LIBELED: 7-7-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 8-2-55. Consent—claimed by Andrus-Scofield Co., Columbus, Ohio. Segregated, 518 lbs. destroyed.

22723. Shelled peanuts. (F. D. C. No. 38321. S. No. 25-873 M.)

QUANTITY: 157 100-lb. bags at Minneapolis, Minn.

SHIPPED: 7-25-55, from Suffolk, Va.

LIBELED: 9-15-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects and rodent urine; and 402 (a) (4)—held under insanitary conditions while stored at the warehouse of Johnson Nut Co., Minneapolis, Minn.

DISPOSITION: 10-3-55. Consent—claimed by Johnson Nut Co. Segregated, 330 lbs. denatured.

22724. Shelled peanuts. (F. D. C. No. 38286. S. No. 9-735 M.)

QUANTITY: 21 100-lb. bags at Los Angeles, Calif.

SHIPPED: 1-18-55, from Edenton, N. C., by Edenton Peanut Co.

LIBELED: 8-4-55, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained insect-infested, dirty, moldy, rancid, and otherwise decomposed peanuts when shipped.

DISPOSITION: 8-26-55. Default—destruction.

*See also Nos. 22716, 22745.

22725. Granulated peanuts. (F. D. C. No. 38350. S. No. 26-627 M.)

QUANTITY: 6 30-lb. cartons at Winona, Minn.

SHIPPED: 7-20-55, from Chicago, Ill.

LIBELED: 10-4-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-5-55. Default—consumption by animals.

22726. Unshelled pine nuts. (F. D. C. No. 38100. S. No. 9-400 M.)

QUANTITY: 40 50-lb. bags at Honolulu, T. H.

SHIPPED: 6-9-55, from Los Angeles, Calif., by Torn & Glasser.

LABEL IN PART: (Bag) "New Mexico Pine Nuts."

LIBELED: 7-21-55, Dist. Hawaii.

CHARGE: 402 (a) (3)—contained animal excrement when shipped.

DISPOSITION: 8-24-55. Default—destruction.

22727. Shelled walnuts. (F. D. C. No. 38287. S. No. 26-614 M.)

QUANTITY: 20 25-lb. cases at Minneapolis, Minn.

SHIPPED: 1-12-55, from Portland, Oreg.

LIBELED: 8-5-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-26-55. Consent—claimed by Alfred H. Martin, t/a Martin Brokerage Co., Minneapolis, Minn. Segregated, 39 lbs. destroyed.

22728. Shelled walnuts. (F. D. C. No. 38326. S. No. 25-774 M.)

QUANTITY: 3 25-lb. boxes at Minneapolis, Minn.

SHIPPED: 8-29-55, from Chicago, Ill.

LIBELED: 9-20-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects, insect excreta, and webbing while held for sale.

DISPOSITION: 11-8-55. Default—consumption by animals.

22729. Desiccated coconut. (F. D. C. No. 38307. S. No. 26-543 M.)

QUANTITY: 6 100-lb. bags at Minneapolis, Minn.

SHIPPED: 10-1-54, from Richmond, Calif.

LIBELED: 8-27-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-8-55. Default—consumption by animals.

22730. Shredded coconut, flour, and candy. (F. D. C. No. 37846. S. Nos. 8-355/7 M.)

INFORMATION FILED: 4-5-55, Dist. Nebr., against Earl A. Cowger, t/a Cowger Sales Co., Superior, Nebr.

VIOLATION: Between 5-11-54 and 12-8-54, the defendant caused various quantities of shredded coconut, flour, and candy to be placed in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402 (a) (3)—the shredded coconut and flour contained rodent excreta; and 402 (a) (4)—the shredded coconut, flour, and candy were held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 5-5-55. \$300 fine, plus costs.

22731. Peanut butter. (F. D. C. No. 38311. S. No. 30-743 M.)

QUANTITY: 50 cartons, 12 1-lb., 1-oz. jars each, at Bellefontaine, Ohio.

SHIPPED: 7-13-55, from Chicago, Ill., by Food Brokers, Inc.

LABEL IN PART: (Jar) "IGA Peanut Butter Homogenized."

LIBELED: 8-29-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-24-55. Default—destruction.

OLEOMARGARINE

22732. Colored oleomargarine. (F. D. C. No. 35579. S. Nos. 82-319/22 L.)

INFORMATION FILED: 6-14-54, W. Dist. Okla., against Daisy Berry.

ALLEGED VIOLATION: On 10-9-53, at Oklahoma City, Okla., the defendant unlawfully caused to be sold and offered to sell a number of packages containing colored oleomargarine labeled "Ned Shaw."

CHARGE: 407 (b) (3)—the label of the article failed to bear (a) the word "oleomargarine" or "margarine" and (b) a full and accurate statement of all the ingredients contained in such oleomargarine or margarine.

PLEA: Guilty.

DISPOSITION: 4-25-55. Individual fined \$200 and placed on probation for 2 years.

22733. Colored oleomargarine. (F. D. C. No. 37881. S. No. 8-436 M.)

INFORMATION FILED: 7-29-55, E. Dist. Okla., against Green Parrot Cafe, a partnership, Coweta, Okla.

ALLEGED VIOLATION: On 1-18-55, at Coweta, Okla., the defendant unlawfully possessed and served quantities of colored oleomargarine or colored margarine.

CHARGE: 407 (c)—colored oleomargarine or colored margarine was possessed at a public eating place, namely, Green Parrot Cafe, in a form ready for serving, and no notice that oleomargarine or margarine was being served was displayed; and colored oleomargarine or colored margarine was served at a public eating place, namely Green Parrot Cafe, in a separate serving which neither bore nor was accompanied by labeling identifying it as oleomargarine or margarine, and which was not triangular in shape.

PLEA: Nolo contendere.

DISPOSITION: 10-21-55. \$50 fine.

SPICES, FLAVORS, AND SEASONING MATERIALS*

22734. Barbecue sauce and molasses. (F. D. C. No. 38180. S. Nos. 21-704/5 M.)

* See also No. 22683.

QUANTITY: 7 cases, 24 6-oz. btls. each, of barbecue sauce, and 17 cases, 24 1-lb., 9-oz. cans each, of molasses, at Pottsville, Pa.

SHIPPED: During 1942 or 1943, from outside the State of Pennsylvania.

RESULTS OF INVESTIGATION: Examination showed that the articles were undergoing chemical decomposition.

LIBELED: 6-8-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 8-3-55. Default—destruction.

22735. Capsicum, paprika, chili seed, and ground chili. (F. D. C. No. 37948. S. Nos. 22-601/4 M.)

QUANTITY: 51 50-lb. bags of capsicum, 11 110-lb. bags of paprika, 13 70-lb. bags of chili seed, and 8 230-lb. drums of ground chili at Chicago, Ill.

SHIPPED: Between 10-27-52 and 4-2-54, from Los Angeles, Calif., and New York, N. Y.

LIBELED: 4-21-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 6-8-55. Default—destruction.

22736. Chili peppers. (F. D. C. No. 38276. S. No. 29-414 M.)

QUANTITY: 75 100-lb. bags at New York, N. Y.

SHIPPED: 12-22-53, from Japan.

LIBELED: 8-12-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-21-55. Consent—claimed by S. L. Jones & Co., San Francisco, Calif. Segregated, 317 lbs. denatured.

22737. Chili peppers. (F. D. C. No. 38015. S. No. 7-134 M.)

QUANTITY: 186 5-lb. strings at Denver, Colo.

SHIPPED: During the fall of 1954, from Chimney, N. Mex.

LIBELED: 4-13-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained moldy chili peppers while held for sale.

DISPOSITION: 6-1-55. Default—destruction.

22738. Chili powder. (F. D. C. No. 38338. S. No. 7-475 M.)

QUANTITY: 1 drum containing 90 lbs. at La Junta, Colo.

SHIPPED: 11-16-54, from Los Angeles, Calif.

LIBELED: 9-28-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-8-55. Default—destruction.

22739. Cumin seed. (F. D. C. No. 38268. S. No. 29-407 M.)

QUANTITY: 40 115-lb. bags at New York, N. Y.

SHIPPED: 5-24-54, from Iran.

LIBELED: 8-10-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 8-25-55. Default—destruction.

22740. Garlic. (F. D. C. No. 38225. S. No. 11-898 M.)

QUANTITY: 281 25-kilogram crates at New York, N. Y.

SHIPPED: 4-30-54, from Egypt.

LIBELED: 7-8-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained moldy and otherwise decomposed garlic while held for sale.

DISPOSITION: 7-29-55. Default—destruction.

22741. Nutmeg, ginger, and paprika. (F. D. C. No. 38224. S. Nos. 31-625/9 M.)

QUANTITY: 26 200-lb. bags of nutmeg, 16 150-lb. bags of ginger, and 42 110-lb. bags and 4 300-lb. drums of paprika at Chicago, Ill.

SHIPPED: Between 8-23-49 and 1-17-55, from Brooklyn and New York, N. Y., and Spain.

LIBELED: 7-7-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-10-55. Consent—claimed by H. J. Mayer & Sons Co., Inc., Chicago, Ill. Segregated, all of the paprika, 945 lbs. of nutmeg, and 430 lbs. of ginger destroyed.

22742. Ground red pepper. (F. D. C. No. 38316. S. No. 5-922 M.)

QUANTITY: 1 150-lb. drum at Sandusky, Ohio.

SHIPPED: During July or August 1954, from New York, N. Y.

LIBELED: 9-8-55, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-6-55. Default—destruction.

22743. Salt. (F. D. C. No. 37975. S. No. 16-594 M.)

QUANTITY: 17 100-lb. sacks at Tacoma, Wash., in possession of American Biscuit & Cracker Co.

SHIPPED: 12-17-54, from Hutchinson, Kans.

LIBELED: 5-17-55, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained rodent urine, rodent excreta, and rodent hairs; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-16-55. Default—consumption by animals.

22744. French savory leaves. (F. D. C. No. 38254. S. No. 29-445 M.)

QUANTITY: 32 130-lb. bags at New York, N. Y., in possession of Levy & Levis Co., Inc.

SHIPPED: 7-7-53, from France.

LIBELED: 7-29-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 8-25-55. Consent—claimed by Levy & Levis Co., Inc. Segregated, 742 lbs. denatured.

22745. Sesame seed and shelled peanuts. (F. D. C. No. 38057. S. Nos. 13-871/2 M.)

QUANTITY: 1 100-lb. bag of sesame seed and 1 125-lb. bag of peanuts at Galesburg, Ill., in possession of Howe-Anderson Co.

SHIPPED: 12-28-54 and 3-30-55, from Chicago, Ill.

LIBELED: 6-1-55, S. Dist. Ill.

CHARGE: 402 (a) (3)—sesame seed contained insects, and peanuts contained rodent hairs; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-28-55. Default—destruction.

22746. Tumeric. (F. D. C. No. 38195. S. No. 29-282 M.)

QUANTITY: 39 100-lb. bags at Brooklyn, N. Y.

SHIPPED: Prior to 5-10-54, from India.

LIBELED: On or about 6-22-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 7-29-55. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

22747. Vi-Cal-Nate. (F. D. C. No. 38236. S. No. 3-619 M.)

QUANTITY: 89 btls., 100 tablets each, at Hartford, Conn.

SHIPPED: 12-3-53, from Worcester, Mass.

RESULTS OF INVESTIGATION: Analysis showed that the article contained about 50 percent of the declared amount of vitamin D.

LIBELED: 7-15-55, Dist. Conn.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article while held for sale; and 403 (a)—the label statement "Each tablet contains: * * * Vitamin D 500 U. S. P. Units" was false and misleading.

DISPOSITION: 11-30-55. Default—delivered to a charitable institution.

22748. Beplem B complex with B₁₂. (F. D. C. No. 38247. S. No. 3-618 M.)

QUANTITY: 66 btls., 100 capsules each, at Hartford, Conn.

SHIPPED: Sometime during February 1953, from New York, N. Y.

RESULTS OF INVESTIGATION: Analysis showed that the article contained 44 percent of the declared amount of vitamin C.

LIBELED: 7-23-55, Dist. Conn.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin C, had been in part omitted or abstracted from the article while held for sale; and 403 (a)—the label statement "Each capsule contains: * * * Ascorbic Acid (C)—50 mg." was false and misleading.

DISPOSITION: 11-30-55. Default—delivered to a charitable institution.

22749. Vitamin B-complex tablets. (F. D. C. No. 38226. S. No. 21-594 M.)

QUANTITY: 3 drums, 25,000 tablets each, and 198 btls., 86 tablets each, at Allentown, Pa.

SHIPPED: 7-7-53, from Long Island City, N. Y.

RESULTS OF INVESTIGATION: The article was shipped in bulk, and subsequently a portion was repackaged and relabeled by the consignee. An analysis showed that the article contained less than 55 percent of the declared amount of vitamin B₁.

LIBELED: 7-7-55, E. Dist, Pa.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article while held for sale; and 403(a)—the label statements (drum and btl.) "Each Tablet Contains: Thiamine Hydrochloride 1.5 mg." were false and misleading.

DISPOSITION: 8-10-55. Default—destruction.

22750. Dr. Charles Northen's Minerals. (F. D. C. No. 37953. S. No. 1-263 M.)

QUANTITY: 8 540-tablet btl., 7 270-tablet btl., and 76 90-tablet btl., at Tampa, Fla.

SHIPPED: 10-25-54, from Bryan, Ohio.

RESULTS OF INVESTIGATION: An investigation revealed that the tablets were shipped in bulk from Bryan, Ohio, to Tampa, Fla., where they were repackaged into bottles and relabeled by the consignee.

LIBELED: 4-28-55, S. Dist. Fla.

CHARGE: 403 (a)—the directions for use and the quantitative declaration of mineral content appearing on the bottle label while held for sale were false and misleading in that the article when used as directed did not provide the mineral constituents in a form available to the human body because the tablets would pass through the body without disintegrating.

DISPOSITION: 6-8-55. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22651 TO 22750

PRODUCTS

	N. J. No.		N. J. No.
Apricots, canned	22696	Cereals and cereal products	22657-
Barbecue sauce	22734		22695, 22715, 22730
Bases, beverage (orange, grape, grapefruit)	22651	Cherries, canned	22696, 22702
Beans, dried	22712	Chickpeas	22718
lima, dried	22714	Chili, ground	22735
navy, dried	22715, 22716	peppers	22736, 22737
red, dried	22713	powder	22738
Beets, canned	22717	seed	22735
Beplem B complex with B ₁₂	22748	Coconut, desiccated	22729
Beverages and beverage materials	22651-22656	shredded	22730
Biscuit mix	22695	Coffee	22652, 22653
Blueberries, canned	22697	sweeps	22654-22656
Boysenberries, canned	22696, 22698-22701	Confectionery	22730
Candy. See Confectionery.		Corn grits	22676
Capsicum	22735	Cumin seed	22739
Cashew pieces	22721	Currants, dried	22704
		Dates, pitted	22705
		Figs	22706
		Flavors. See Spices, flavors, and seasoning materials.	

	N. J. No.		N. J. No.
Flour -----	22657-22671, 22715, 22730	Paprika -----	22735, 22741
Fruits and vegetables---	22651, 22683,	Peaches, canned-----	22696, 22703
	22696-22720	dried -----	22683
fruit, canned-----	22696-22703	Peanut(s), butter-----	22731
dried -----	22683, 22704-22708	granulated -----	22725
jams, jellies, and preserves---	22709-	shelled -----	22722-22724, 22745
	22711	unshelled -----	22716
tomatoes and tomato prod-		Pears, canned-----	22703
ucts -----	22719, 22720	Peas, split, green-----	22683
vegetables -----	22683,	Pepper, red, ground-----	22742
	22712-22718	Peppers, chili-----	22736, 22737
Garbanzos. <i>See</i> Chickpeas.		Pine nuts, unshelled-----	22726
Garlic -----	22740	Pineapple(s), canned-----	22696
Ginger -----	22741	preserves -----	22709
Gooseberries, canned-----	22696	Plum jelly-----	22711
Grape beverage base-----	22651	Popcorn, unpopped-----	22677-22680
jelly -----	22711	Poppysseeds -----	22683
Grapefruit beverage base-----	22651	Preserves. <i>See</i> Jams, jellies,	
Grits, corn-----	22676	and preserves.	
Huckleberries, canned-----	22696	Prunes -----	22683
Jelly. <i>See</i> Jams, jellies, and pre-		Raisins -----	22707, 22708
serves.		Rice -----	22681-22694
Leaves, savory, French-----	22744	Salt -----	22743
Lima beans, dried-----	22714	Sauce, barbecue-----	22734
Loganberries, canned-----	22696	Savory leaves, French-----	22744
Macaroni and noodle products--	22671-	Sesame seed-----	22745
	22675	Spices, flavors, and seasoning	
Mix, biscuit-----	22695	materials -----	22683, 22734-22746
Molasses -----	22734	Strawberry preserves-----	22710
Noodles. <i>See</i> Macaroni and		Tomato(es), canned-----	22719
noodle products.		paste -----	22720
Northern's, Dr. Charles, Miner-		Tumeric -----	22746
als -----	22750	Vegetables. <i>See</i> Fruits and veg-	
Nutmeg -----	22741	etables.	
Nuts and nut products-----	22716,	Vi-Cal-Nate -----	22747
	22721-22731, 22745	Vitamin, mineral, and other prod-	
Oleomargarine-----	22732, 22733	ucts of special dietary sig-	
Orange-flavored beverage base--	22651	nificance -----	22747-22750
		Walnuts, shelled-----	22727, 22728

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Albers Super Markets, Inc.:		Burns Wholesale Grocery Co.:	
egg noodles-----	22674	flour and egg noodles-----	22671
American Biscuit & Cracker Co.:		Cohen Wholesale Grocer Co.:	
salt -----	22743	navy beans and flour-----	22715
Barnes, Wm., Inc.:		Cowger, E. A.:	
jelly -----	22711	shredded coconut, flour, and	
Berry, Daisy:		candy -----	22730
colored oleomargarine-----	22732		

	N. J. No.		N. J. No.
Cowger Sales Co. <i>See</i> Cowger, E. A.		Martinsburg Milling Co., Inc.:	
Day, Roy M., Co. Warehouse:		flour -----	22670
dried beans -----	22712	Oelwein Elevator:	
Edenton Peanut Co.:		flour -----	22660
shelled peanuts -----	22724	Petring, W. H., Sr.:	
Farrer Warehouse Corp.:		coffee -----	22652
rice -----	22687	Plymate, F. J.:	
Food Brokers, Inc.:		fruit beverage bases -----	22651
peanut butter -----	22731	Prentice Stores Div., New York Dock Co.:	
Gamble-Robinson Co.:		coffee sweeps -----	22656
navy beans and unshelled pea- nuts -----	22716	Reeves Peanut Co.:	
Gem Super Market:		shelled peanuts -----	22722
flour -----	22661	Reynolds, J. L.:	
George Terminal Warehouse. <i>See</i> Woodin, G. E.		fruit beverage bases -----	22651
Green Parrot Cafe:		Richardson, C. H.:	
colored oleomargarine -----	22733	flour -----	22657
H. P. Coffee Co.:		Richardson, L. W., & Co., Inc.:	
coffee -----	22652	flour -----	22657
Harvest Sun Products, Inc.:		Shaw, Ned. <i>See</i> Berry, Daisy.	
fruit beverage bases -----	22651	Shoyu, Rafu, Co.:	
Howe-Anderson Co.:		rice -----	22690
sesame seed and shelled pea- nuts -----	22745	Soffer, Samuel:	
Johnson Nut Co.:		rice -----	22681
shelled peanuts -----	22723	Souder's, Royal, Inc.:	
Kauffman, Jacob:		dried red beans -----	22713
rice, prunes, green split peas, poppyseeds, and dried peaches -----	22683	Southwark Wholesale Grocery Co. <i>See</i> Soffer, Samuel.	
Kee, Sam Wah Yick, Co.:		Staley Milling Co.:	
flour -----	22663	corn grits -----	22676
Kerr Conserving Co.:		Super Valu Stores, Inc.:	
strawberry preserves -----	22710	rice -----	22691
Kramer, G. E.:		Torn & Glasser:	
roasted ground coffee -----	22653	unshelled pine nuts -----	22726
Levy & Levis Co., Inc.:		Walter Brewing Co.:	
French savory leaves -----	22744	corn grits -----	22676
		Witwer Grocer Co.:	
		flour -----	22667
		Woodin, G. E.:	
		rice -----	22682

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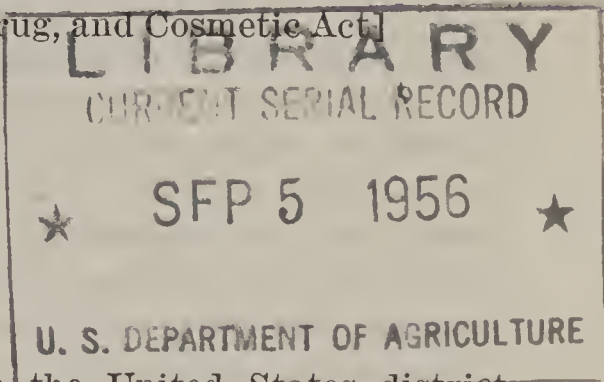
U. S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22751-22850

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings which were terminated with the entry of default or consent decrees of condemnation and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *August 14, 1956.*

CONTENTS

	Page		Page
Cereals and cereal products.....	250	Fruits and vegetables—Continued	
Bakery products.....	250	Fresh fruit.....	262
Cornmeal.....	250	Miscellaneous fruit products....	263
Flour.....	251	Vegetables and vegetable prod-	
Macaroni and noodle products..	253	ucts.....	264
Miscellaneous cereals and cereal		Meat and poultry.....	266
products.....	254	Nuts.....	266
Eggs.....	255	Spices, flavors, and seasoning ma-	
Feeds and grains.....	256	terials.....	267
Fish and shellfish.....	257	Vitamin, mineral, and other prod-	
Fruits and vegetables.....	261	ucts of special dietary signifi-	
Canned fruit.....	261	cance.....	270
Dried fruit.....	262	Index.....	272

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22751-22850

Adulteration, Section 402 (a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses; Section 403 (k), the article contained a chemical preservative, and it failed to bear labeling stating that fact.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22751. Figbars. (F. D. C. No. 37936. S. No. 5-225 M.)

QUANTITY: 297 cases, 12 1-lb. boxes each, at Dearborn, Mich.

SHIPPED: 2-25-55, from Chicago, Ill., by Carr-Consolidated Biscuit Co.

LABEL IN PART: (Box) "Carr Crackin' Good Fig Bars."

LIBELED: 4-15-55, E. Dist. Mich.

CHARGE: 402 (a) (3)—contained insects, insect parts, rodent hairs, and feather fragments; and 402 (a) (4)—the fig ingredient of the article had been prepared under insanitary conditions at the plant of Arnold-Hoover, Inc., Fresno, Calif.

DISPOSITION: 6-13-55. Default—consumption by animals.

CORNMEAL

22752. Cornmeal, flour, and malt. (F. D. C. No. 37880. S. Nos. 8-419 M, 8-501/3 M.

INFORMATION FILED: 6-20-55, N. Dist. Okla., against Griffin Grocery Co., a corporation, Tulsa, Okla.

VIOLATION: Between 11-22-54 and 2-8-55, the defendant caused various quantities of cornmeal, flour, and malt while held for sale to be placed in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402 (a) (3)—contained rodent excreta; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-20-55. \$400 fine.

22753. Cornmeal and corn flour. (F. D. C. No. 38438. S. Nos. 32-851/2 M.)

QUANTITY: 6 10-lb. bags and 41 25-lb. bags of cornmeal and 91 50-lb. bags of corn flour at Albuquerque, N. Mex.

SHIPPED: Between 6-10-55 and 8-9-55, from St. Joseph, Mo.

LIBELED: 9-14-55, Dist. N. Mex.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-18-55. Consent—claimed by Charles Ilfeld Co., Albuquerque, N. Mex., and converted to animal feed.

FLOUR*

22754. Flour. (F. D. C. No. 38419. S. No. 24-745 M.)

QUANTITY: 365 100-lb. bags at Tacoma, Wash., in possession of American Biscuit Co.

SHIPPED: 5-28-55, from Paris, Ill.

LIBELED: 9-2-55, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent hairs; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 9-22-55. Consent—claimed by American Biscuit Co. Segregated, 6 bags destroyed.

22755. Flour. (F. D. C. No. 38418. S. Nos. 31-953/4 M.)

QUANTITY: 12 50-lb. sacks, and 50 cases, 10 5-lb. pkgs. each, at Scranton, Pa., in possession of Frable's Wholesale Grocery Co.

SHIPPED: 2-28-55, from Buffalo, N. Y.

LIBELED: 8-31-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained rodent hairs, insects, and insect parts; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-26-55. Default—destruction.

22756. Flour. (F. D. C. No. 38445. S. No. 32-853 M.)

QUANTITY: 18 100-lb. bags at Albuquerque, N. Mex., in possession of Kimbell-Albuquerque Co.

SHIPPED: 7-14-55, from Amarillo, Tex.

LIBELED: 9-16-55, Dist. N. Mex.

CHARGE: 402 (a) (3)—contained insects and rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-19-55. Default—destruction.

*See also Nos. 22752, 22753, 22766.

22757. Flour. (F. D. C. No. 38371. S. Nos. 20-632/3 M.)

QUANTITY: 9 50-lb. bags, and 16 bales, 2 25-lb. bags each, at Lawrence, Kans., in possession of Theo. Poehler Mercantile Co.

SHIPPED: 5-10-55, from Omaha, Nebr.

LIBELED: 10-13-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained rodent excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-22-55. Default—destruction.

22758. Flour. (F. D. C. No. 38362. S. No. 14-068 M.)

QUANTITY: 50 100-lb. bags at Pine Bluff, Ark.

SHIPPED: 9-10-55, from Wichita Falls, Tex.

LIBELED: 10-10-55, E. Dist. Ark.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-17-55. Default—consumption by animals.

22759. Flour. (F. D. C. No. 38366. S. Nos. 26-154/5 M, 26-493 M.)

QUANTITY: 53 50-lb. bags and 158 25-lb. bags at Fargo, N. Dak.

SHIPPED: 5-5-55 and 9-12-55, from Great Falls, Mont., and New Prague, Minn.

LIBELED: 10-11-55, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-28-55. Default—consumption by animals.

22760. Flour. (F. D. C. No. 38386. S. Nos. 30-945/6 M.)

QUANTITY: 123 100-lb. bags at Knoxville, Tenn.

SHIPPED: Between 5-17-55 and 8-27-55, from Alton, Ill.

LIBELED: 10-27-55, E. Dist. Tenn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-29-55. Default—consumption by animals.

22761. Flour. (F. D. C. No. 38389. S. Nos. 30-277/8 M.)

QUANTITY: 244 100-lb. bags at Normal, Ill.

SHIPPED: 7-22-55 and 8-15-55, from Leavenworth, Kans.

LIBELED: 10-27-55, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-21-55. Default—destruction.

22762. Flour. (F. D. C. No. 38453. S. No. 22-795 M.)

QUANTITY: 51 100-lb. bags at Boston, Mass.

SHIPPED: 7-25-55, from Superior, Wis.

LIBELED: 9-15-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-3-55. Consent—claimed by Musolino, Lo Conte Co., Boston, Mass., and denatured for use as animal feed.

22763. Flour and spaghetti. (F. D. C. No. 38367. S. Nos. 26-381/2 M.)

QUANTITY: 14 cases, 10 5-lb. bags each, of flour, and 10 cases, 24 12-oz. pkgs. each, of spaghetti at Iowa City, Iowa.

SHIPPED: Between 11-2-54 and 6-6-55, from Wichita, Kans., and Milwaukee, Wis.

LIBELED: 10-11-55, S. Dist. Iowa.

CHARGED: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-15-55. Default—consumption by animals.

MACARONI AND NOODLE PRODUCTS*

22764. Macaroni. (F. D. C. No. 38392. S. No. 36-222 M.)

QUANTITY: 7 boxes at South Bend, Ind.

SHIPPED: 10-3-55, from Chicago, Ill., by Chicago Macaroni Co.

LABEL IN PART: "Contadina Brand Elbow Mac. Group 1 20-Lbs. Net No. 1 Semolina."

LIBELED: 11-3-55, N. Dist. Ind.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-29-55. Default—destruction.

22765. Macaroni and egg noodles. (F. D. C. No. 38464. S. Nos. 32-697 M, 32-699/700 M.)

QUANTITY: 14 10-lb. cartons of macaroni and 18 10-lb. cartons of egg noodles at Camden, N. J.

SHIPPED: 8-30-55, from Philadelphia, Pa., by Philadelphia Macaroni Co., Inc.

LIBELED: On or about 9-30-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained rodent hairs, insects, and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-25-55. Default—consumption by animals.

22766. Egg noodles, macaroni, spaghetti, and flour. (F. D. C. No. 38454. S. Nos. 31-436/42 M.)

QUANTITY: 28 cases, 12 12-oz. pkgs. each, and 17 cases, 24 6-oz. pkgs. each, of egg noodles; 13 cases, 24 6-oz. pkgs. each, of macaroni; 12 cases, 24 12-oz. pkgs. each, of spaghetti; and 9 cases, 24 2-lb. pkgs. each, of flour at Cincinnati, Ohio.

SHIPPED: Between 3-11-55 and 7-25-55, from Milwaukee, Wis., and Wichita, Kans.

LIBELED: 9-19-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-24-55. Default—consumption by animals.

22767. Macaroni, rolled oats, and rice. (F. D. C. No. 38442. S. Nos. 31-223/4 M, 31-321 M.)

QUANTITY: 1,830 14-oz. pkgs. of macaroni, 1,600 lbs. of rolled oats in 50-lb. and 3-lb. bags, and 4 100-lb. bags, 1,368 2-lb. bags, and 3,096 1-lb. bags of rice at Cincinnati, Ohio, in possession of Albers Super Markets, Inc.

*See also No. 22763.

SHIPPED: Between 5-11-55 and 7-14-55, from St. Louis, Mo., Battle Creek, Mich., and De Witt, Ark.

LIBELED: 9-15-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-14-55. Default—consumption by animals.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

22768. Rice. (F. D. C. No. 38404. S. Nos. 22-789/90 M.)

QUANTITY: 112 100-lb. bags at Boston, Mass.

SHIPPED: 4-20-55, from Edgewater, N. J.

LIBELED: 8-22-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-14-55. Consent—claimed by Samuel Kurr & Co., Boston, Mass., and converted to animal feed.

22769. Rice and canned boysenberries. (F. D. C. No. 38398. S. Nos. 25-859 M, 25-863/4 M.)

QUANTITY: 15 25-lb. bags of rice, and 10 cases, 24 1-lb. cans each, and 8 cases, 48 8½-oz. cans each, of boysenberries at Sioux Falls, S. Dak.

SHIPPED: Between 6-30-54 and 1-6-55, from De Witt and Van Buren, Ark.

LIBELED: 8-23-55, Dist. S. Dak.

CHARGE: 402 (a) (3)—the rice contained insects and the boysenberries contained a decomposed substance while held for sale.

DISPOSITION: 9-28-55. Consent—destruction.

22770. Brewers rice. (F. D. C. No. 38406. S. No. 22-811 M.)

QUANTITY: 472 100-lb. bags at Springfield, Mass.

SHIPPED: 7-25-55, from Fair Oaks, Ark., by Empire Rice Mills, Inc.

LIBELED: 8-23-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained rodent hairs, insects, and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-10-55. Default—destruction.

22771. Wheat. (F. D. C. No. 38357. S. No. 26-306 M.)

QUANTITY: 112,000 lbs. at Minneapolis, Minn.

SHIPPED: 9-20-55, from Ashley, N. Dak., by Union Elevator & Investment Co.

LIBELED: 10-7-55, Dist. Minn.

CHARGE: 402 (a) (2)—the article was a raw agricultural commodity and contained when shipped a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of the law since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 10-17-55. Consent—claimed by Union Elevator & Investment Co. Segregated, 6,390 lbs. destroyed.

*See also Nos. 22752, 22767.

22772. Wheat. (F. D. C. No. 38383. S. No. 21-533 M.)

QUANTITY: 104,640 lbs. in a railroad car at Omaha, Nebr.

SHIPPED: 10-19-55, from Essex, Iowa.

LIBELED: 10-25-55, Dist. Nebr.

CHARGE: 402 (a) (3)—contained rodent excreta while held for sale.

DISPOSITION: 10-26-55. Consent—claimed by Johnson Brothers Mills, Essex, Iowa, and converted to animal feed.

22773. Matzoh meal. (F. D. C. No. 38449. S. No. 36-588 M.)

QUANTITY: 15 25-lb. bags and 10 10-lb. bags at Asbury Park, N. J.

SHIPPED: 8-25-55, from New York, N. Y., by Horowitz Bros. & Margareten.

LIBELED: 9-20-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-25-55. Default—destruction.

22774. Matzoh meal. (F. D. C. No. 38337. S. No. 9-665 M.)

QUANTITY: 16 25-lb. bags at Los Angeles, Calif.

SHIPPED: 8-23-55, from Long Island City, N. Y. by Horowitz Bros. & Margareten.

LIBELED: 9-29-55, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-26-55. Default—destruction.

22775. Oatmeal. (F. D. C. No. 38369. S. No. 20-623 M.)

QUANTITY: 13 cases, 12 3-lb. pkgs. each, at Junction City, Kans.

SHIPPED: 1-10-55, from St. Joseph, Mo.

LIBELED: 10-17-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-29-55. Default—destruction.

22776. Prepared mixes. (F. D. C. No. 38375. S. Nos. 26-552/3 M.)

QUANTITY: 15 25-lb. bags of prepared cake, piecrust, waffle, and pancake mixes and 2 100-lb. bags of doughnut mix at Minneapolis, Minn.

SHIPPED: Between 7-8-54 and 7-1-55, from Baltimore, Md., and Evansville, Ind.

LIBELED: 10-19-55, Dist. Minn.; libel amended 11-4-55.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-19-55. Default—consumption by animals.

EGGS

22777. Frozen eggs. (F. D. C. No. 38364. S. No. 22-020 M.)

QUANTITY: 808 30-lb. cans at Buffalo, N. Y.

SHIPPED: 11-13-54, from Sheboygan, Wis., by Sheboygan Produce Co.

LIBELED: 10-11-55, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 11-9-55. Consent—claimed by Sheboygan Produce Co. Segregated, 136 30-lb. cans destroyed.

22778. Frozen eggs. (F. D. C. No. 38463. S. No. 29-876 M.)

QUANTITY: 800 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 9-2-55, from Kansas City, Mo., by Pollman Egg Co.

LIBELED: 9-27-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 10-10-55. Consent—claimed by Manhattan Egg Co., New York, N. Y. Segregated, 187 cans denatured.

22779. Frozen eggs. (F. D. C. No. 38457. S. No. 29-358 M.)

QUANTITY: 719 30-lb. cans at Brooklyn, N. Y.

SHIPPED: 9-7-55, from Nashville, Tenn., by National Egg Co.

LIBELED: 9-27-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 10-11-55. Consent—claimed by Glasgow Food Corp., New York, N. Y. Segregated, 244 cans denatured.

22780. Frozen eggs. (F. D. C. No. 38263. S. No. 29-842 M.)

QUANTITY: 184 30-lb. cans at Englewood, N. J.

SHIPPED: Between 6-6-55 and 7-14-55, quantities of shell eggs were shipped from New York and Brooklyn, N. Y., Ephrata, Pa., and points in New Jersey, to Englewood, N. J.

RESULTS OF INVESTIGATION: 184 30-lb. cans of frozen eggs were prepared from the above-mentioned shell eggs, of which approximately 74 percent were received from New York and Pennsylvania.

LIBELED: 8-1-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed eggs while held for sale.

DISPOSITION: 10-10-55. Default—destruction.

FEEDS AND GRAINS

22781. Canned dog food. (F. D. C. No. 31294. S. Nos. 66-960 K, 66-963 K.)

INFORMATION FILED: 9-25-52, E. Dist. N. Y., against Flag Pet Food Corp., Brooklyn, N. Y.

SHIPPED: 9-1-50 and 9-26-50, from New York to Maryland.

LABEL IN PART: (Can) "Guaranteed Analysis Min. crude protein 10.00%
Min. crude fat 2.00% Flag Pet Food Corp. New York, N. Y."

CHARGE: 402 (b) (1)—valuable constituents, protein and fat, had been in part omitted from the article when shipped; and 403 (a)—the label statements "Min. crude protein 10.00%" and "Min. crude fat 2.00%" were false and misleading.

PLEA: Not guilty.

DISPOSITION: The defendant filed a motion for a bill of particulars, which the court, on 12-8-52, granted in part. Thereafter, the defendant filed a motion to dismiss counts 3 and 4, which was denied by the court on 10-26-53. Thereafter, the defendant changed his plea to guilty; and, on 11-15-55, he was fined \$400.

22782. Canned dog food. (F. D. C. No. 38070. S. No. 21-932 M.)

QUANTITY: 29 cases, 48 15-oz. cans each, at Buffalo, N. Y.

SHIPPED: 5-11-55, from Columbus, Ohio, by Mid-West Meat Packers.

LABEL IN PART: "Mid-West * * * 100 Percent Horse Meat Dog Food."

LIBELED: 6-10-55, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 7-15-55. Default—destruction.

22783. Poultry feed. (F. D. C. No. 37485. S. No. 90-556 L.)

QUANTITY: 151 50-lb. cases at Omaha, Nebr.

SHIPPED: 6-7-54 and 8-3-54, from Dyersville, Iowa.

RESULTS OF INVESTIGATION: Analysis showed that the article contained 25 per cent of the declared amount of vitamin D.

LIBELED: 12-22-54, Dist. Nebr.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article while held for sale; and 403 (a)—the label statement "Guaranteed Analysis * * * Vitamin D 3,700 IC Units Per Lb." was false and misleading.

DISPOSITION: 1-7-55. Consent—claimed by Hess Buttermilk Co., Dyersville, Iowa., and released under bond to be brought into compliance with the law.

2-7-55. With the consent of the claimant, a supplemental decree was entered ordering the destruction of the product.

22784. Ray Ewing Swine Pre-Mix. (F. D. C. No. 38219. S. No. 16-365 M.)

QUANTITY: 20 bales, 12 15-lb. bags each, at Seattle, Wash.

SHIPPED: 3-17-55, from Pasadena, Calif., by Ray Ewing Co.

LABEL IN PART: (Bag) "Ray Ewing Swine Pre-Mix For Swine of All Ages
* * * Guaranteed Potencies Per Lb. * * * Vitamin B₁₂, Milligrams
. . . 1.0."

RESULTS OF INVESTIGATION: Analysis showed that the article contained 60 per cent of the declared amount of vitamin B₁₂.

LIBELED: 7-1-55, W. Dist. Wash.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Guaranteed Potencies Per Lb. * * * Vitamin B₁₂, Milligrams . . . 1.0" was false and misleading.

DISPOSITION: 8-15-55. Consent—claimed by Ray Ewing Co. The article was brought into compliance with the law by blending with additional quantities of vitamin B₁₂ and pantothenic acid and relabeling to show the correct potencies.

FISH AND SHELLFISH

22785. Frozen blowfish tails. (F. D. C. No. 38439. S. No. 18-729 M.)

QUANTITY: 415 lbs. in 9 cartons at Monmouth Beach, N. J.

SHIPPED: 5-25-55, from New York, N. Y.

LIBELED: 9-16-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 10-25-55. Default—destruction.

22786. Frozen bluefin. (F. D. C. No. 38235. S. No. 18-704 M.)

QUANTITY: 15 50-lb. boxes at Jersey City, N. J.

SHIPPED: Several years ago from outside New Jersey.

LIBELED: 7-12-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 8-16-55. Default—destruction.

22787. Frozen butterfish (2 seizure actions). (F. D. C. Nos. 38440, 38441. S. Nos. 18-732/3 M.)

QUANTITY: 2,789 lbs. in 25 cartons and 3,003 lbs. in 27 cartons at Monmouth Beach, N. J.

SHIPPED: 7-15-55, from New York, N. Y.

LIBELED: 9-16-55, Dist. N. J.

CHARGE: 402 (a) 3)—contained decomposed fish while held for sale.

DISPOSITION: 11-1-55. Consent—claimed by C. G. Wadman Co., Inc., New York, N. Y. Attempts to segregate the article failed and it was destroyed.

22788. Kipper Snacks. (F. D. C. No. 38387. S. No. 26-305 M.)

QUANTITY: 84 cases, 48 5-oz. tins each, at St. Paul, Minn.

SHIPPED: 5-19-53, from Lark Harbour, Newfoundland.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 10-27-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 12-19-55. Default—destruction.

22789. Canned sardines. (F. D. C. No. 38432. S. Nos. 18-661 M, 18-663 M.)

QUANTITY: 197 cartons, 100 3¼-oz. cans each, at New York, N. Y.

SHIPPED: More than 5 years ago, from South Portland, Maine.

LIBELED: 9-13-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-3-55. Default—destruction.

22790. Frozen sardines. (F. D. C. No. 38451. S. No. 18-734 M.)

QUANTITY: 14 cartons containing a total of 660 lbs. at Monmouth Beach, N. J.

SHIPPED: 7-29-55, from New York, N. Y.

LIBELED: 9-20-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 10-25-55. Default—destruction.

22791. Red snapper (fish). (F. D. C. No. 38450. S. No. 18-735 M.)

QUANTITY: 6 cases containing a total of 734 lbs. at Monmouth Beach, N. J.

SHIPPED: 5-11-55, from New York, N. Y.

LIBELED: 9-20-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 10-25-55. Default—destruction.

22792. Frozen red snapper (fish). (F. D. C. No. 38437. S. No. 18-736 M.)

QUANTITY: 325 lbs. at Monmouth Beach, N. J.

SHIPPED: 3-18-55, from New York, N. Y.

LIBELED: 9-16-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 10-25-55. Default—destruction.

22793. Whitefish and lake trout. (F. D. C. No. 38448. S. Nos. 22-588/9 M.)

QUANTITY: 80 60-lb boxes of whitefish and 187 60-lb. boxes of lake trout at Chicago, Ill.

SHIPPED: 8-27-55, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

LIBELED: 9-16-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 11-21-55. Default—destruction.

22794. Oysters. (F. D. C. No. 38354. S. No. 31-883 M.)

QUANTITY: 304 cans at Burlington, Iowa.

SHIPPED: 9-30-55, from Crisfield, Md., by Dryden Bros.

LABEL IN PART: "Oysters Standards One Pint D-B Brand Fresh Salt Water Oysters * * * Md 200."

LIBELED: 10-4-55, S. Dist. Iowa.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-4-55. Default—destruction.

22795. Oysters. (F. D. C. No. 38380. S. Nos. 38-902/3 M.)

QUANTITY: 208 1-pint cans at Macon, Ga.

SHIPPED: 10-17-55, from Saxis, Va.

LIBELED: 10-24-55, M. Dist. Ga.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 12-13-55. Default—destruction.

22796. Oysters. (F. D. C. No. 38359. S. No. 17-597 M.)

QUANTITY: 304 1-pt. cans at Xenia, Ohio.

SHIPPED: 10-4-55, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LIBELED: 10-7-55, S. Dist. Ohio.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-23-55. Default—destruction.

22797. Oysters. (F. D. C. No. 38477. S. No. 20-283 M.)

QUANTITY: 178 12-oz. cans at Clarksburg, W. Va.

SHIPPED: 9-27-55, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LABEL IN PART: (Can) "Oysters Standards Pride of Chesapeake Bay Oysters."

LIBELED: 10-4-55, N. Dist. W. Va.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-4-55. Default—destruction.

22798. Oysters. (F. D. C. No. 38346. S. No. 20-282 M.)

QUANTITY: 144 cans at Greensburg, Ind.

SHIPPED: 9-27-55, from Baltimore, Md., by Seacoast Oyster Co., Inc.

LABEL IN PART: "Oysters Standards One Pint Net Pride Of Chesapeake Bay Oysters * * * Md 51."

LIBELED: 9-29-55, S. Dist. Ind.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 9-29-55. Consent—delivered to a charitable institution.

22799. Oysters. (F. D. C. No. 38374. S. No. 20-295 M.)

QUANTITY: 144 cans at Morristown, Tenn.

SHIPPED: 10-11-55, from Crisfield, Md., by N. R. Coulbourn.

LABEL IN PART: "Oysters Selects Contents One Pint Deep Rock Crisfield Oysters Md 316."

LIBELED: 10-14-55, E. Dist. Tenn.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-30-55. Default—destruction.

22800. Oysters. (F. D. C. No. 38372. S. No. 17-714 M.)

QUANTITY: 144 1-pt. cans at Enterprise, Ala.

SHIPPED: 10-10-55, from Crisfield, Md., by L. R. Carson, Inc.

LIBELED: 10-12-55, M. Dist. Ala.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-14-55. Default—destruction.

22801. Oysters. (F. D. C. No. 38360. S. No. 19-852 M.)

QUANTITY: 144 cans at Wapakoneta, Ohio.

SHIPPED: 10-4-55, from Annapolis, Md., by McNasby Oyster Co.

LABEL IN PART: "Oysters Standards 24 Pearl Brand Oysters One Pint Net * * * Md 87."

LIBELED: 10-6-55, N. Dist. Ohio.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-15-55. Default—destruction.

22802. Frozen breaded scallops. (F. D. C. No. 38245. S. Nos. 5-320/1 M.)

QUANTITY: 25 cases, 24 10-oz. cartons each, and 11 cases, 10 4-lb. cartons each, at Milwaukee, Wis.

SHIPPED: 8-10-54, from St. Simons Island, Ga.

LIBELED: 7-20-55, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 8-15-55. Default—destruction.

22803. Frozen breaded shrimp. (F. D. C. No. 38422. S. Nos. 22-470/1 M.)

QUANTITY: 45 cases, 12 pkgs. each, at Chicago, Ill.

SHIPPED: 6-25-55, from Thunderbolt, Ga., by Pan-Redi Shrimp Co.

LABEL IN PART: (Pkg.) "Pan-Redi Brand Ready Dipped In Egg Batter Ready Rolled In. Cracker Meal Frozen Fresh Ready To Fry Fantail Shrimp
* * * Net Wt. 10 Oz."

LIBELED: 9-6-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed shrimp when shipped.

DISPOSITION: 10-27-55. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT*

22804. Canned boysenberries. (F. D. C. No. 38365. S. No. 25-779 M.)

QUANTITY: 25 cases, 6 6-lb., 10-oz. cans each, at Pipestone, Minn.

SHIPPED: 9-4-53, from Van Buren, Ark.

LIBELED: 10-13-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 12-5-55. Default—destruction.

22805. Canned boysenberries. (F. D. C. No. 38377. S. No. 26-153 M.)

QUANTITY: 6 cases, 48 15½-oz. cans each, at Wadena, Minn.

SHIPPED: 8-22-53, from Hayward, Calif.

LIBELED: 10-20-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 12-19-55. Default—destruction.

22806. Canned plums and canned strawberries. (F. D. C. No. 38429. S. Nos. 26-616/8 M.)

QUANTITY: 20 cases, 6 6-lb., 8-oz. cans each, and 18 cases, 24 1-lb., 14-oz. cans each, of plums, and 9 cases, 6 6-lb., 6-oz. cans each, of strawberries at St. Paul, Minn.

*See also No. 22769.

SHIPPED: 4-17-52 and 2-9-53, from Springbrook and Salem, Oreg.

RESULTS OF INVESTIGATION: Examination showed that the articles were undergoing chemical decomposition.

LIBELED: 9-8-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-3-55. Consent—claimed by New York Tea Co., St. Paul, Minn. Segregated, 18 $\frac{2}{3}$ cases of the 6-lb., 8-oz. cans, and 14 $\frac{3}{8}$ cases of the 1-lb., 14-oz. cans, of plums were destroyed, and 5 $\frac{1}{2}$ cases of the canned strawberries likewise were destroyed.

DRIED FRUIT

22807. Raisins. (F. D. C. No. 38363. S. Nos. 21-528/9 M.)

QUANTITY: 48 30-lb. cases at Omaha, Nebr.

SHIPPED: 11-15-54, from Selma, Calif.

LIBELED: 10-12-55, Dist. Nebr.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-21-55. Consent—consumption by animals.

22808. Raisins. (F. D. C. No. 38355. S. Nos. 5-352/3 M.)

QUANTITY: 35 30-lb. cases at Milwaukee, Wis.

SHIPPED: 9-6-55, from Freeport, Ill., by Guyer & Calkins Co.

LABEL IN PART: "Bonner's Select [or "Midget"] Seedless Raisins."

LIBELED: 10-5-55, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 10-28-55. Default—destruction.

FRESH FRUIT

22809. Fresh grapefruit segments and orange segments, fresh fruit salad, and fresh pineapple chunks. (F. D. C. No. 38455. S. Nos. 29-862/5 M.)

QUANTITY: 19 cases, 4 1-gal. jars each, of fresh grapefruit segments, 22 cases, 4 1-gal. jars each, of fresh orange segments, 7 cases, 4 1-gal. jars each, of fresh fruit salad, and 4 cases, 4 1-gal. jars each, of fresh pineapple chunks, at New York, N. Y.

SHIPPED: 8-15-55, from Plant City, Fla., by Tropic Treet Division, Simac Foods Corp.

LABEL IN PART: (Jar) "Tropic Treet Brand Fresh Grapefruit Segments [or "Orange Segments," "Fruit Salad," or "Pineapple Chunks"]."

LIBELED: 9-23-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—the fresh grapefruit segments and orange segments and fresh fruit salad contained decomposed fruit while held for sale; 403 (a)—the statement on the label of the fresh pineapple chunks, when shipped, namely, "No Preservative Added," was false and misleading since the article contained sulfur dioxide; and 403 (k)—the fresh pineapple chunks contained the chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact.

DISPOSITION: 10-21-55. Default—destruction.

22810. Fresh grapefruit sections and fresh orange sections. (F. D. C. No. 38423. S. No. 29-858 M.)

QUANTITY: 405 cases, 6 No. 10 cans each, of fresh grapefruit sections and fresh orange sections at Jersey City, N. J.

SHIPPED: 6-3-55, from Tampa, Fla.

LIBELED: 9-7-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-11-55. Default—destruction.

MISCELLANEOUS FRUIT PRODUCTS

22811. Apple cider. (F. D. C. No. 37197. S. Nos. 72-782 L, 72-784 L.)

INFORMATION FILED: 2-17-55, E. Dist. Ill., against Eckert Orchards Associates, Inc., Belleville, Ill., and Curt E. Eckert, secretary-treasurer.

SHIPPED: 9-28-54 and 9-29-54, from Illinois to Missouri.

LABEL IN PART: (Jug) "Eckert's Sweet Apple Cider Contents One Gallon [or "One-Half Gallon"] * * * Packed by Eckert Orchards Associates, Inc. Belleville, Ill."

CHARGE: 402 (a) (3)—contained maggots, fly parts, fly eggs, moth scales, and insect fragments; and 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: On 6-10-55, the defendant filed a motion to suppress the evidence obtained during the factory inspection, on the ground that it had been obtained by an unlawful search and seizure. This motion was overruled by the court on 6-13-55.

On 12-19-55, the defendants entered pleas of nolo contendere; and, on the same day, after consideration of the Government's evidence and testimony from Curt Eckert, the court found the corporation guilty and fined it \$200 and dismissed the case against Curt Eckert.

22812. Apple cider. (F. D. C. No. 38388. S. Nos. 38-134/5 M.)

QUANTITY: 200 cases, 4 1-gal. jugs each, and 300 cases, 6 ½-gal. jugs each, at St. Louis, Mo.

SHIPPED: 10-11-55, from Alton, Ill., by Alton Vinegar Co.

LABEL IN PART: (Jug) "Cushing's Pasteurized Golden Russet Sweet Cider."

LIBELED: 10-27-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained a decomposed substance by reason of the use of decomposed apples in the preparation of the article; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 11-25-55. Default—destruction.

22813. Canned restricted diet applesauce. (F. D. C. No. 37924. S. No. 5-475 M.)

QUANTITY: 250 cases, 24 cans each, at Chicago, Ill.

SHIPPED: 2-28-55, from Sodus, N. Y., by Wegner Canning Corp.

LABEL IN PART: (Can) "Sexton Restricted Diet Net Weight 1 Pound - 453 Grams Apple Sauce * * * Food Value (Analysis by average of entire contents) * * * Sodium: Milligrams per 100 gr. 1.6 Sodium: Milligrams per ½ cup 1.9 (4 fl. ozs.)."

LIBELED: 4-11-55, N. Dist. Ill.

CHARGE: 403 (a)—the statement on the label of the article when shipped “Food Value (Analysis by average of entire contents) * * * Sodium: Milligrams per 100 gr. 1.6 Sodium: Milligrams per $\frac{1}{2}$ cup 1.9 (4 fl. ozs.).” was false and misleading as applied to the article, which contains substantially more than the stated amount of sodium.

DISPOSITION: 6-13-55. Consent—claimed by John Sexton & Co., Chicago, Ill., and relabeled.

22814. Fig paste. (F. D. C. No. 37909. S. Nos. 4-997/8 M.)

QUANTITY: 670 80-lb. cases at Chicago, Ill.

SHIPPED: 2-8-55 and 2-10-55, from Fresno, Calif., by Arnold-Hoover, Inc.

LABEL IN PART: (Case) “Baker-Kleen Brand * * * California Fig Paste * * * Adriatic Black Mission Kadota.”

LIBELED: 3-29-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects, insect parts, rodent hairs, and feather fragments; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 7-25-55. Consent—claimed by Arnold-Hoover, Inc. Converted to animal feed.

VEGETABLES AND VEGETABLE PRODUCTS

22815. Dried lima beans. (F. D. C. No. 38467. S. Nos. 1-671/2 M.)

QUANTITY: 507 100-lb. bags at Tampa, Fla.

SHIPPED: 1-10-55 and 2-15-55, from Oxnard, Calif.

LIBELED: 10-4-55, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained insect-infested and insect-damaged beans while held for sale.

DISPOSITION: 10-21-55. Consent—claimed by Lima Bean Growers Association, Oxnard, Calif. Segregated, 8,075 lbs. destroyed.

22816. Pink beans, pigeon peas, lima beans, and cranberry beans. (F. D. C. No. 38489. S. Nos. 36-749 M, 36-751/2 M, 36-758 M.)

QUANTITY: 50 100-lb. bags of pink beans, 4 100-lb. bags of pigeon peas, 217 100-lb. bags of lima beans, and 25 100-lb. bags of cranberry beans at Bronx, N. Y.

SHIPPED: During 1955, from California and Puerto Rico.

LIBELED: 10-14-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-14-55. Consent—claimed by T. J. Krikorian & Son, Inc., Bronx, N. Y. Segregated, 314 lbs. denatured.

22817. Olives. (F. D. C. No. 38436. S. No. 29-421 M.)

QUANTITY: 54 50-lb. kegs at New York, N. Y.

SHIPPED: 1-19-55, from Italy.

LABEL IN PART: (Keg top) “Olive nere MM 14/16 Product of Italy Jumbo 30 [or other number]”; (keg side) “Saoy Bari N G [some “N G G”].”

LIBELED: 9-13-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects, insect parts, rotten olives, and mold when shipped.

DISPOSITION: 10-5-55. Default—destruction.

22818. Ripe olives. (F. D. C. No. 38390. S. No. 30-438 M.)

QUANTITY: 5 30-lb. cans at St. Louis, Mo.

SHIPPED: 10-11-55, from New York, N. Y., by Moscahlades Bros., Inc.

LABEL IN PART: (Can) "Embros Brand * * * Imported Greek Black Olives."

LIBELED: 10-31-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained flies, fly parts, and maggots; and 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-30-55. Default—destruction.

22819. Green olives in brine. (F. D. C. No. 38370. S. No. 37-689 M.)

QUANTITY: 5 100-lb. bbls. at Rochester, N. Y.

SHIPPED: Prior to 4-22-55, from Greece.

LIBELED: 10-13-55, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed olives while held for sale.

DISPOSITION: 11-18-55. Default—destruction.

22820. Salt-cured olives. (F. D. C. No. 38306. S. No. 15-056 M.)

QUANTITY: 17 100-lb. bbls. at Utica, N. Y.

SHIPPED: 6-14-55, from Sacramento, Calif., by Mitchell Bros.

LABEL IN PART: (Bbl.) "Salt Cured Olives Olive Oil Coated Large 115 [or "Extra Large 15" or "Mammoth 100"]."

LIBELED: 8-30-55, N. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects and decomposed olives when shipped.

DISPOSITION: 10-25-55. Default—destruction.

22821. Pepper salad in olive oil. (F. D. C. No. 38352. S. No. 4-190 M.)

QUANTITY: 32 cases, 24 jars each, at Pittsburgh, Pa.

SHIPPED: 7-28-55, from New York, N. Y., by J. Ossola Co.

LABEL IN PART: (Jar) "Torino Brand * * * Pepper Salad In Pure Olive Oil * * * Net Weight 12 Ozs."

LIBELED: 10-3-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-2-55. Default—destruction.

22822. Sauerkraut. (F. D. C. No. 38393. S. No. 16-215 M.)

QUANTITY: 17 cases, 12 jars each, at Spokane, Wash.

SHIPPED: 8-15-55, from Woodburn, Oreg., by Roland's Food Products.

LABEL IN PART: (Jar) "Rolands * * * Old Fashioned Sauerkraut * * * Contents 24 Oz."

LIBELED: 11-7-55, E. Dist. Wash.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-30-55. Default—destruction.

MEAT AND POULTRY

22823. Meat in barrels. (F. D. C. No. 38341. S. No. 21-904 M.)

QUANTITY: 6 bbls. at Buffalo, N. Y.

SHIPPED: 9-6-55, from Chicago, Ill.

LIBELED: 9-28-55, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed meat while held for sale.

DISPOSITION: 11-16-55. Default—destruction.

22824. Fresh beef hips. (F. D. C. No. 38456. S. No. 11-878 M.)

QUANTITY: 2 bbls. containing a total of 454 lbs. at New York, N. Y.

SHIPPED: 8-24-55, from Somerville, Mass., by M & M Warehouse.

LIBELED: 9-29-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed meat when shipped.

DISPOSITION: 10-21-55. Default—destruction.

22825. Dressed poultry (2 seizure actions). (F. D. C. Nos. 38402, 38403. S. Nos. 5-060 M, 35-982 M.)

QUANTITY: 136 50-lb. cases at Chicago and Joliet, Ill.

SHIPPED: 8-8-55 and 8-9-55, from Toccoa, Ga., by Tugalo Poultry Co.

LABEL IN PART: (Case) "A Grade Eviscerated Fryers HD Net."

LIBELED: 8-23-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter; and 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 9-29-55; amended 10-7-55. Consent—claimed by Tugalo Poultry Co. (The two cases were consolidated for purposes of disposition.) Segregated, 1,500 lbs. denatured.

22826. Dressed poultry. (F. D. C. No. 38443. S. No. 21-708 M.)

QUANTITY: 1,409 lbs. in 18 crates at Philadelphia, Pa.

SHIPPED: 8-29-55, from Selbyville, Del., by Paul Feig.

LIBELED: 9-14-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained when shipped birds contaminated with fecal matter, decomposed birds, and extensively bruised birds; and 402 (a) (5)—contained diseased birds.

DISPOSITION: 12-15-55. Default—destruction.

NUTS

22827. Cashew kernels. (F. D. C. No. 38384. S. No. 26-555 M.)

QUANTITY: 51 cases, 2 25-lb. cans each, at St. Paul, Minn.

SHIPPED: 9-21-55, from New York, N. Y.

LIBELED: 10-27-55; amended 12-16-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent excreta while held for sale.

DISPOSITION: 12-16-55. Consent—claimed by Zaloom Brothers Co., a partnership, New York, N. Y. Segregated, 50 lbs. denatured.

22828. Shelled pecans. (F. D. C. No. 38378. S. No. 25-782 M.)

QUANTITY: 12 30-lb. cases at Madison, Wis.

SHIPPED: 8-30-55, from San Antonio, Tex.

LIBELED: 10-18-55, W. Dist. Wis.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-14-55. Default—consumption by animals.

22829. Shelled walnuts. (F. D. C. No. 38368. S. No. 11-558 M.)

QUANTITY: 12 boxes at Houston, Tex.

SHIPPED: 8-9-55, from Boston, Mass., by Quincy Market Cold Storage & Warehouse Co.

LABEL IN PART: "Light Amber Walnut Pieces 25 Lbs. Net Packed By Duche, Boston, Mass."

LIBELED: 10-12-55, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained rancid walnuts when shipped.

DISPOSITION: 12-5-55. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

22830. Angelica root. (F. D. C. No. 38253. S. Nos. 29-402/4 M.)

QUANTITY: 36 150-lb. bales at New York, N. Y.

SHIPPED: Between 1-7-55 and 2-25-55, from Belgium.

LIBELED: 7-29-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 8-18-55. Consent—claimed by Karl H. Landes & E. Balint, Inc., New York, N. Y. Segregated, 953 lbs. denatured.

22831. Anise seed (2 seizure actions). (F. D. C. Nos. 37962, 37963. S. Nos. 5-444/5 M.)

QUANTITY: 2 110-lb. bags and 1 75-lb. drum at Chicago, Ill.

SHIPPED: 3-18-55, from New York, N. Y., by Louis Furth, Inc.

LABEL IN PART: (Bag) "100% Henequen Fabriga Atlas San Luis Potosi S. L. P. Mex."; (drum) "Whole Anise Seed."

LIBELED: 5-10-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects, insect fragments, rodent hairs, and an excessive amount of sand and soil when shipped.

DISPOSITION: 6-10-55. Default—destruction.

22832. Dried chili peppers. (F. D. C. No. 38079. S. No. 32-826 M.)

QUANTITY: 94 lbs. at Denver, Colo.

SHIPPED: 6-10-55, from Hatch, N. Mex., by James T. Brewster.

LIBELED: 6-24-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained moldy chili peppers when shipped.

DISPOSITION: 10-21-55. Default—destruction.

22833. Chilies. (F. D. C. No. 38428. S. No. 29-424 M.)

QUANTITY: 100 95-lb. bags at Brooklyn, N. Y.

SHIPPED: 12-1-53, from Turkey.

LIBELED: 9-9-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects and insect excreta while held for sale.

DISPOSITION: 9-30-55. Consent—claimed by Harry Schlichting Co., Inc., New York, N. Y. Segregated, 1,143 lbs. destroyed.

22834. Cumin seed. (F. D. C. No. 38431. S. No. 29-420 M.)

QUANTITY: 123 110-lb. bags at Brooklyn, N. Y.

SHIPPED: 2-28-55, from Casablanca, French Morocco.

LIBELED: 9-9-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-21-55. Consent—claimed by Karl H. Landes & E. Balint, Inc., New York, N. Y. Segregated, 1,680 lbs. destroyed.

22835. Cumin seed. (F. D. C. No. 38427. S. No. 29-423 M.)

QUANTITY: 41 115-lb. bags at Brooklyn, N. Y.

SHIPPED: 9-28-53, from Turkey.

LIBELED: 9-9-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-26-55. Consent—claimed by Morris J. Golombeck, Inc., Brooklyn, N. Y. Segregated, 339 lbs. destroyed.

22836. Fennel seed. (F. D. C. No. 38426. S. Nos. 29-422 M, 29-425 M.)

QUANTITY: 138 115-lb. bags at Brooklyn, N. Y.

SHIPPED: 2-18-55 and 3-3-55, from India.

LIBELED: 9-9-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-5-55. Consent—claimed by Kellys America, Ltd., New York, N. Y. Segregated, 959 lbs. destroyed.

22837. Fennel seed. (F. D. C. No. 38396. S. Nos. 29-410 M, 29-413 M.)

QUANTITY: 45 88-lb. bags at New York, N. Y.

SHIPPED: 9-2-52, from Hamburg, West Germany.

LIBELED: 8-22-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent excreta and insects while held for sale.

DISPOSITION: 9-14-55. Consent—claimed by Kellys America, Ltd., New York, N. Y. Segregated, 612 lbs. denatured.

22838. Ginger. (F. D. C. No. 38399. S. No. 29-416 M.)

QUANTITY: 60 188-lb. bags at New York, N. Y.

SHIPPED: 6-9-55, from Jamaica, British West Indies.

LIBELED: 8-22-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 9-28-55. Consent—claimed by Otto Gerdau Co., New York, N. Y.
Segregated, 1,922 lbs. denatured.

22839. Ginger. (F. D. C. No. 38270. S. No. 29-411 M.)

QUANTITY: 30 50-lb. crates at New York, N. Y.

SHIPPED: 3-10-55, from Mexico.

LIBELED: 8-8-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained flies and moldy ginger while held for sale.

DISPOSITION: 9-8-55. Default—destruction.

22840. Ginger root. (F. D. C. No. 38278. S. Nos. 22-690/1 M.)

QUANTITY: 3 204½-lb. bags and 11 189-lb. bags at Chicago, Ill.

SHIPPED: 6-11-53 and 3-22-55, from New York, N. Y., and Christiana, Jamaica.

LIBELED: 8-12-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects, insect parts, and insect-damaged roots while held for sale.

DISPOSITION: 10-17-55. Consent—claimed by B. Heller & Co., Chicago, Ill.
Segregated, 425 lbs. destroyed.

22841. Nutmegs. (F. D. C. No. 38259. S. No. 29-405 M.)

QUANTITY: 33 160-lb. bags at New York, N. Y.

SHIPPED: 6-6-55, from Holland.

LIBELED: 7-29-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect-infested nutmegs and moldy nutmegs while held for sale.

DISPOSITION: 8-16-55. Consent—claimed by Arthur G. Dunn, New York, N. Y.
Segregated, 388 lbs. denatured.

22842. Nutmegs. (F. D. C. No. 38408. S. No. 29-419 M.)

QUANTITY: 23 160-lb. bags at New York, N. Y.

SHIPPED: 3-25-55, imported from Indonesia.

LIBELED: 8-20-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect-infested nutmegs and moldy nutmegs while held for sale.

DISPOSITION: 9-14-55. Consent—claimed by Karl H. Landes & E. Balint, Inc., New York, N. Y. Distilled into oil of nutmeg.

22843. Paprika and red peppers (2 seizure actions). (F. D. C. No. 38413. S. Nos. 30-424/8 M.)

QUANTITY: 19 100-lb. bags and 25 110-lb. bags of paprika and 35 65-lb. bags of red peppers at St. Louis, Mo.

SHIPPED: Between 11-30-54 and 7-6-55, from Centreville, Miss., and New Orleans, La.

LIBELED: 8-29-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-28-55. Consent—claimed by Star Coffee Co., St. Louis, Mo. An attempt to recondition the products was unsuccessful and the products were destroyed.

22844. Poppyseed. (F. D. C. No. 38382. S. No. 26-161 M.)

QUANTITY: 1 100-lb. drum at Minneapolis, Minn.

SHIPPED: 11-17-54, from New York, N. Y.

LIBELED: 10-27-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained moldy poppyseed while held for sale.

DISPOSITION: 12-19-55. Default—destruction.

22845. Turmeric. (F. D. C. No. 37978. S. No. 1-117 M.)

QUANTITY: 1 225-lb. drum at Atlanta, Ga.

SHIPPED: 4-4-55, from Chicago, Ill., by American Spice Mills, Inc,

LABEL IN PART: "268-18 Fine Ground Alleppey Turmeric."

LIBELED: 5-17-55, N. Dist. Ga.

CHARGE: 402 (a) (3)—contained insects and insect parts when shipped.

DISPOSITION: 6-22-55. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

22846. Basic Food Supplement tablets. (F. D. C. No. 38138. S. No. 9-214 M.)

INFORMATION FILED: 11-18-55, S. Dist. Calif., against Joseph L. Jones, t/a J. L. Jones & Co., North Hollywood, Calif.

ALLEGED VIOLATION: On 7-16-51, the defendant gave to a firm engaged in the business of shipping various foods, including "Basic Food Supplement Tablets," in interstate commerce, a guaranty to the effect that articles shipped or delivered by it under the guaranty would not be adulterated or misbranded.

On 10-26-54, the defendant caused to be delivered to the holder of the guaranty at Glendale, Calif., quantities of "Basic Food Supplement Tablets" which were adulterated.

CHARGE: 402 (b) (1)—valuable constituents, carotene (provitamin A), vitamin A, and vitamin B₁₂, had been in part omitted from the article.

PLEA: Guilty.

DISPOSITION: 12-30-55. \$150 fine.

22847. Multivitamins. (F. D. C. No. 38208. S. No. 18-386 M.)

QUANTITY: 30 1,000-capsule btls., 1 500-capsule btl., and 3 100-capsule btls. at Montclair, N. J.

SHIPPED: 3-25-55, from Floral Park, Long Island, N. Y., by Intermedico Corp., in a bulk container.

LABEL IN PART: (Bulk container) "30,000 Multohab, S. C., Red Each tablet contains: Vitamin A. Palmitate (Synthetic) 5,000 U. S. P. Units * * * Control No. 35173."

*See also Nos. 22783, 22784, 22813.

RESULTS OF INVESTIGATION: The article was repackaged into the above-described bottles by the consignee. Analysis showed that the article contained less than 50 percent of the declared amount of vitamin A.

LIBELED: 6-27-55, Dist. N. J.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin A, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Each tablet contains: Vitamin A. Palmitate * * * 5,000 U. S. P. Units" was false and misleading.

DISPOSITION: 7-27-55. Default—destruction.

22848. Vicaltein tablets. (F. D. C. No. 38205. S. Nos. 1-101 M, 1-126 M.)

QUANTITY: 28 btls. at Atlanta, Ga.

SHIPPED: 11-20-54 and 4-12-55, from Greenville, S. C., by Tablerock Laboratories.

LABEL IN PART: (Btl.) "250 Tablets Vicaltein A Palatable Dietary Supplement Furnishing Proteins, Vitamins, Minerals and Carbohydrates. * * * Three Tablets Supply: * * * Vitamin B₁ . . . 2.5 Mg."

LIBELED: 6-24-55, N. Dist. Ga.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Three Tablets Supply: * * * Vitamin B₁ . . . 2.5 Mg." was false and misleading as applied to a product containing less than the stated amount of vitamin B₁.

DISPOSITION: 7-21-55. Default—destruction.

22849. Special Formula tablets. (F. D. C. No. 38033. S. No. 10-388 M.)

QUANTITY: 1 drum containing 5,840 tablets at Minneapolis, Minn.

SHIPPED: 12-24-54, from Cedar Rapids, Iowa, by Barlow-Maney Laboratories, Inc.

LABEL IN PART: (Drum) "Special Formula Tablets S. C. Orange * * * Ingredients in each tablet are: * * * Vitamin B-12 (As Vitamin B-12 Concentrate) 1 MCGM."

RESULTS OF INVESTIGATION: Analysis showed that the article contained 60 percent of the declared amount of vitamin B₁₂.

LIBELED: 5-4-55, Dist. Minn.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Ingredients in each tablet are: * * * Vitamin B-12 * * * 1 MCGM." was false and misleading.

DISPOSITION: 7-8-55. Default—destruction.

22850. Bernalac. (F. D. C. No. 38194. S. No. 7-379 M.)

QUANTITY: 3 cases, 6 cans each, at Denver, Colo.

SHIPPED: 3-8-55 and 3-22-55, from San Jose, Calif., by Bernard Food Industries, Inc.

LABEL IN PART: (Can) "Bernard Bernalac Net Weight 4 Lbs. A Low Sodium, High Value Protein Food Supplement * * * Approximate Analysis * * * Including Sodium—0.15%."

LIBELED: 6-23-55, Dist. Colo.

CHARGE: 403 (a)—the statement on the label of the article when shipped, namely, "A Low Sodium * * * Food Supplement * * * Approximate Analysis * * * Including Sodium—0.15%" was false and misleading as applied to the article, which contained substantially more than the stated amount of sodium; and 403 (j)—the article purported to be and was represented as a food for special dietary use by reason of its use as a means of regulating the intake of sodium, and its label failed to bear, as required by regulations, a statement of the number of milligrams of sodium in an average serving of the article.

DISPOSITION: 8-31-55. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22751 TO 22850

PRODUCTS

	N. J. No.		N. J. No.
Angelica root_____	22830	Figbars _____	22751
Anise seed_____	22831	paste_____	22814
Apple cider. <i>See</i> Apple juice.		Fish and shellfish_____	22785-22803
Apple juice_____	22811, 22812	Flavors. <i>See</i> Spices, flavors, and	
Applesauce, restricted diet,		seasoning materials.	
canned _____	22813	Flour_____	22752, 22754-22763, 22766
Bakery products_____	22751	corn_____	22753
Basic Food Supplement tablets__	22846	Fruits and vegetables_____	22769,
Beans, cranberry, dried_____	22816		22804-22822
lima, dried_____	22815, 22816	fruit, canned_____	22769, 22804-22806
pink, dried_____	22816	dried_____	22807, 22808
Beef hips, fresh_____	22824	fresh_____	22809, 22810
Bernalac _____	22850	miscellaneous fruit prod-	
Blowfish tails, frozen_____	22785	ucts_____	22811-22814
Bluefin, frozen_____	22786	vegetables and vegetable prod-	
Boysenberries, canned_____	22769,	ucts_____	22815, 22822
	22804, 22805	Ginger _____	22838, 22839
Brewers rice_____	22770	root_____	22840
Butterfish, frozen_____	22787	Grains. <i>See</i> Feeds and grains.	
Cake mix_____	22776	Grapefruit segments, fresh_____	22809,
Cashew kernels_____	22827		22810
Cereals and cereal prod-		Kipper snacks_____	22788
ucts_____	22751-22776	Lima beans, dried_____	22815, 22816
Chili peppers, dried_____	22832	Macaroni and noodle products__	22763-
Chilies _____	22833		22767
Corn flour_____	22753	Malt _____	22752
Cornmeal_____	22752, 22753	Matzoh meal_____	22773, 22774
Cranberry beans, dried_____	22816	Meat and poultry_____	22823-22826
Cumin seed_____	22834, 22835	Mixes, prepared_____	22776
Dog food, canned_____	¹ 22781, 22782	Noodles. <i>See</i> Macaroni and	
Eggs, frozen_____	22777-22780	noodle products.	
Ewing, Ray, Swine Pre-Mix_____	22784	Nutmegs _____	22841, 22842
Feeds and grains_____	¹ 22781-22784	Nuts_____	22827-22829
Fennel seed_____	22836, 22837	Oatmeal_____	22775

¹ (22781) Prosecution contested.

	N. J. No.		N. J. No.
Oats, rolled_____	22767	Sauerkraut, canned_____	22822
Olives_____	22817	Scallops, breaded, frozen_____	22802
green, in brine_____	22819	Shellfish. <i>See</i> Fish and shellfish.	
ripe_____	22818	Shrimp, breaded, frozen_____	22803
salt-cured _____	22820	Snapper (fish), red_____	22791
Orange, segments, fresh__	22809, 22810	frozen_____	22792
Oysters _____	22794-22801	Spaghetti. <i>See</i> Macaroni and	
Pancake mix_____	22776	noodle products.	
Paprika_____	22843	Special Formula tablets_____	22849
Peas, pigeon, dried_____	22816	Spices, flavors, and seasoning	
Pecans, shelled_____	22828	materials_____	22830-22845
Pepper salad in olive oil_____	22821	Strawberries, canned_____	22806
Peppers, chili, dried_____	22832	Trout, lake_____	22793
' red _____	22843	Turmeric_____	22845
Piecrust mix_____	22776	Vegetables. <i>See</i> Fruits and vege-	
Pineapple chunks, fresh_____	22809	tables.	
Plums, canned_____	22806	Vicaltein tablets_____	22848
Poppyseed_____	22844	Vitamin, mineral, and other	
Poultry. <i>See</i> Meat and poultry.		products of special dietary	
Raisins _____	22807, 22808	significance ---	22783, 22784, 22813,
Rice _____	22767-22769		22846-22850
brewers _____	22770	Waffle mix_____	22776
Salad, fruit, fresh_____	22809	Walnuts, shelled_____	22829
pepper, in olive oil_____	22821	Wheat _____	22771, 22772
Sardines, canned_____	22789	Whitefish _____	22793
frozen_____	22790		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Albers Super Markets, Inc.:		Carson, L. R., Inc.:	
macaroni, rolled oats, and rice_	22767	oysters_____	22800
Alton Vinegar Co.:		Chicago Macaroni Co.:	
apple cider_____	22812	macaroni _____	22764
American Biscuit Co.:		Coulbourn, N. R.:	
flour_____	22754	oysters_____	22799
American Spice Mills, Inc.:		Dryden Bros.:	
turmeric_____	22845	oysters_____	22794
Arnold-Hoover, Inc.:		Eckert, C. E.:	
fig paste_____	22814	apple cider_____	22811
Barlow-Maney Laboratories, Inc:		Eckert Orchards Associates, Inc.:	
Special Formula tablets_____	22849	apple cider_____	22811
Bernard Food Industries, Inc.:		Empire Rice Mills, Inc.:	
Bernalac_____	22850	brewers rice_____	22770
Brewster, J. T.:		Ewing, Ray, Co.:	
dried chili peppers_____	22832	Ray Ewing Swine Pre-Mix_____	22784
Canadian Fish Producers, Ltd.:		Feig, Paul:	
whitefish and lake trout_____	22793	dressed poultry_____	22826
Carr-Consolidated Biscuit Co.:		Flag Pet Food Corp.:	
figbars_____	22751	canned dog food_____	¹ 22781

¹ (22781) Prosecution contested.

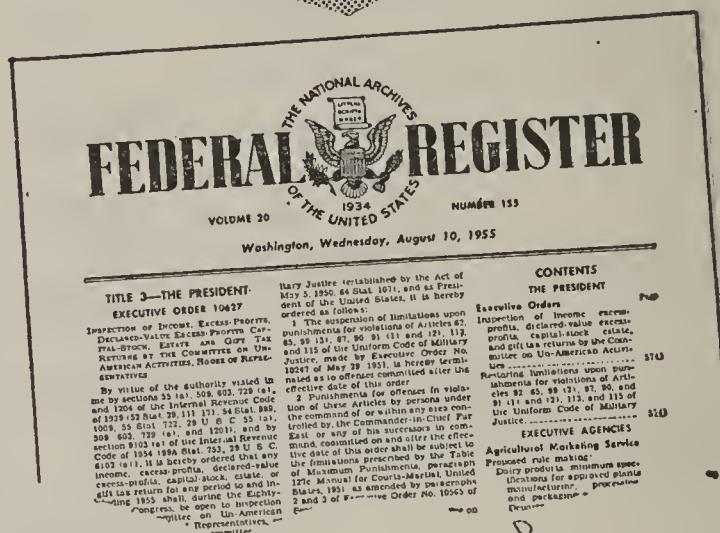
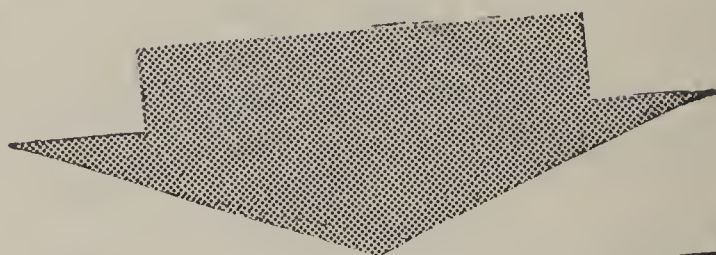
	N. J. No.		N. J. No.
Frable's Wholesale Grocery Co.:		Pan-Redi Shrimp Co.:	
flour-----	22755	frozen breaded shrimp-----	22803
Furth, Louis, Inc.:		Philadelphia Macaroni Co., Inc.:	
anise seed-----	22831	macaroni and egg noodles-----	22765
Griffin Grocery Co.:		Poehler, Theo., Mercantile Co.:	
cornmeal, flour, and malt-----	22752	flour-----	22757
Guyer & Calkins Co.:		Pollman Egg Co.:	
raisins-----	22808	frozen eggs-----	22778
Horowitz Bros. & Margaretten:		Quincy Market Cold Storage &	
Matzoh meal-----	22773, 22774	Warehouse Co.:	
Intermedico Corp.:		shelled walnuts-----	22829
multivitamins-----	22847	Roland's Food Products:	
Jones, J. L.:		canned sauerkraut-----	22822
Basic Food Supplement tab-		Seacoast Oyster Co., Inc.:	
lets-----	22846	oysters-----	22796-22798
Jones, J. L., & Co. <i>See</i> Jones,		Sheboygan Produce Co.:	
J. L.		frozen eggs-----	22777
Kimbell-Albuquerque Co.:		Tablerock Laboratories:	
flour-----	22756	Vicaltein tablets-----	22848
M & M Warehouse:		Tropic Treet Div., Simac Foods	
fresh beef hips-----	22824	Corp.:	
McNasby Oyster Co.:		fresh grapefruit segments,	
oysters-----	22801	fresh orange segments, fresh	
Mid-West Meat Packers:		fruit salad, and fresh pine-	
canned dog food-----	22782	apple chunks-----	22809
Mitchell Bros.:		Tugalo Poultry Co.:	
salt-cured olives-----	22820	dressed poultry-----	22825
Moscahlades Bros., Inc.:		Union Elevator & Investment	
ripe olives-----	22818	Co.:	
National Egg Co.:		wheat-----	22771
frozen eggs-----	22779	Wegner Canning Corp.:	
Ossola, J., Co.:		canned restricted diet apple-	
canned pepper salad in olive		sauce-----	22813
oil-----	22821		

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Departments of the Federal Government.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22851-22950

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which default or consent decrees of condemnation were entered; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) injunction proceedings terminated with the entry of consent decrees of injunction. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms or individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., October 4, 1956.

CONTENTS

	Page		Page
Cereals and cereal products.....	276	Fruits and vegetables.....	284
Bakery products.....	276	Canned fruit.....	284
Flour.....	277	Dried fruit.....	285
Macaroni and noodle products..	278	Frozen fruit.....	287
Miscellaneous cereals and cereal products.....	279	Vegetables.....	287
Chocolate, sugar, and related products.....	280	Tomatoes and tomato products.....	289
Chocolate products.....	280	Meat and poultry.....	291
Confectionery.....	281	Nuts and nut products.....	292
Sirup.....	282	Spices, flavors, and seasoning materials.....	294
Sugar.....	282	Vitamin, mineral, and other products of special dietary significance.....	297
Dairy products.....	283	Miscellaneous foods.....	298
Butter.....	283		
Cheese.....	283		
Fish and shellfish.....	284		

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22851-22950**

Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength; Section 406 (a), a poisonous or deleterious substance was added to the food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (i) (2), the article was not subject to the provisions of Section 403 (g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22851. Bismarcks (bakery product). (F. D. C. No. 38560. S. Nos. 21-520/1 M.)

INFORMATION FILED: 1-13-56, Dist. Nebr., against Kuenne's Bakery, Inc., Omaha, Nebr., and Richard D. Riddle, president.

SHIPPED: 8-24-55, from Nebraska to Iowa.

CHARGE: 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 2-23-56. Corporation fined \$100, plus costs; individual placed on probation for 30 days.

22852. Bread and rolls. (F. D. C. No. 38509. S. Nos. 3-275/6 M, 3-292 M, 3-295 M.)

INFORMATION FILED: 11-17-55, Dist. Mass., against Friedman Bros., Inc., t/a New York Model Bakery, Lynn, Mass., and Kenneth Freedman, treasurer and production manager for the corporation.

SHIPPED: 4-20-55 and 6-7-55, from Massachusetts to Connecticut.

LABEL IN PART: (Pkg.) "The Goody Boy Pumpernickel," "The Goody Boy says Try Goody," "Try Goody-Boy Bulkie Rolls [or "Kimmel Rye"]."

CHARGE: 402 (a) (3)—contained insect parts and rodent hair fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-2-55. Corporation fined \$300 and individual \$100.

22853. Bread and rolls. (F. D. C. No. 38522. S. Nos. 13-416/17 M, 21-690/1 M, 32-183/6 M.)

INFORMATION FILED: 1-27-56, Dist. N. J., against Samuel Zelt and Abraham Zeltt, t/a Kunis Bakery, Trenton, N. J.

SHIPPED: Between 6-20-55 and 9-23-55, from New Jersey to Pennsylvania.

CHARGE: 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-20-56. Each defendant fined \$100 and placed on probation for 3 years.

22854. Bread and rolls. (F. D. C. No. 38536. S. Nos. 23-070/1 M, 23-075 M.)

INFORMATION FILED: 10-18-55, Dist. N. H., against M & M Bakeries, Inc., Dover, N. H.

SHIPPED: 7-21-55, from New Hampshire to Maine.

LABEL IN PART: (Pkg.) "Dutch Kitchen [or "Dutch Kitchen Old Fashioned Twins"] White Enriched Bread Net Weight 1 lb." and "M & M Enriched Rolls Net Wt. 12 Ozs."

CHARGE: 402 (a) (3)—contained insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 1-9-56. \$1,200 fine.

FLOUR

22855. Flour. (F. D. C. No. 38772. S. No. 40-334 M.)

QUANTITY: 188 25-lb. bags at Blainstown, Iowa, in possession of W. A. Drake & Co.

SHIPPED: Between 9-22-55 and 10-28-55, from Kansas City, Mo.

LIBELED: 11-22-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-8-55. Consent—claimed by W. A. Drake, t/a W. A. Drake & Co. Segregated, 122 25-lb. bags converted to animal feed.

22856. Flour. (F. D. C. No. 38673. S. No. 32-814 M.)

QUANTITY: 37 25-lb. bags at Scranton, Pa., in possession of Frable's Wholesale Grocery Co.

SHIPPED: 4-26-55, from Buffalo, N. Y.

LIBELED: 11-10-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-20-55. Default—destruction.

22857. Flour. (F. D. C. No. 38497. S. No. 20-110 M.)

QUANTITY: 200 100-lb. bags at Martinsburg, W. Va., in possession of John W. Bishop Co., Inc.

SHIPPED: 5-26-55, from Yukon, Okla.

LIBELED: 10-14-55, N. Dist. W. Va.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-18-55. Consent—claimed by John W. Bishop Co., Inc., and converted to animal feed.

22858. Flour. (F. D. C. No. 38468. S. Nos. 36-637/8 M.)

QUANTITY: 114 100-lb. bags at Paterson, N. J.

SHIPPED: 5-18-55 and 8-2-55, from Red Wing, Minn., and Great Falls, Mont.

LIBELED: 9-28-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent excreta while held for sale.

DISPOSITION: 11-16-55. Default—destruction.

22859. Flour. (F. D. C. No. 38462. S. No. 29-866 M.)

QUANTITY: 692 100-lb. bags at New York, N. Y.

SHIPPED: By Abilene Flour Mills Co., from Abilene, Kans., to Lynn, Mass., on 7-30-55, and from there to New York, N. Y., on 9-3-55.

LIBELED: 9-28-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 11-23-55; amended 1-13-56. Consent—claimed by Abilene Flour Mills Co. and converted to animal feed.

MACARONI AND NOODLE PRODUCTS

22860. Macaroni and spaghetti. (F. D. C. No. 38504. S. Nos. 26-383/6 M.)

QUANTITY: 4 cases, 12 25-oz pkgs. each, and 5 cases, 24 1-lb. pkgs. each, of macaroni, and 4 cases, 12 25-oz. pkgs. each, and 7 cases, 24 1-lb. pkgs. each, of spaghetti at Muscatine, Iowa.

SHIPPED: Between 5-11-55 and 8-24-55, from Kansas City, Mo.

LIBELED: 10-13-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-15-55. Default—consumption by animals.

22861. Macaroni, spaghetti, and egg noodles. (F. D. C. No. 38466. S. Nos. 31-229/31 M, 31-445/7 M.)

QUANTITY: 41 cases, 24 8-oz. pkgs. each, and 14 cases, 20 1-lb. pkgs. each, of macaroni, 10 cases, 24 8-oz. pkgs. each, of spaghetti, and 9 cases, 24 5-oz. pkgs. each, of egg noodles at Cincinnati, Ohio.

SHIPPED: 3-21-55 and 6-16-55, from Jersey City, N. J.

LIBELED: 9-26-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-3-55. Default—consumption by animals.

22862. Spaghetti, macaroni, and egg noodles. (F. D. C. No. 38656. S. Nos. 34-528/31 M.)

QUANTITY: 49 cases, 24 1-lb. pkgs. each, of spaghetti, 18 cases, 25 1-lb. pkgs. each, and 13 cases, 24 1-lb. pkgs. each, of macaroni, and 9 cases, 12 12-oz. pkgs. each, of egg noodles at Covington, Ky.

SHIPPED: From places outside the State of Kentucky.

LIBELED: 10-28-55, E. Dist. Ky.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-23-55. Default—destruction.

22863. Egg noodles and elbow macaroni. (F. D. C. No. 38649. S. Nos. 7-642/3 M.)

QUANTITY: 48 cases, 24 5-oz. pkgs. each, of egg noodles, and 51 cases, 24 10-oz. pkgs. each, of elbow macaroni at Albuquerque, N. Mex.

SHIPPED: Between 10-29-54 and 6-10-55, from St. Louis, Mo.

LIBELED: 10-25-55, Dist. N. Mex.

CHARGE: 402 (a) (3)—contained insects and insect parts while held for sale.

DISPOSITION: 11-22-55 and 12-7-55. Default—consumption by animals.

22864. Egg noodles. (F. D. C. No. 38473. S. Nos. 25-892/7 M.)

QUANTITY: 36 cases, 12 1-lb. pkgs. each, and 42 cases, 24 8-oz. pkgs. each, at Cedar Rapids, Iowa.

SHIPPED: Between 2-9-55 and 8-9-55, from Milwaukee, Wis.

LIBELED: 9-30-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-29-55. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

22865. Rolled oats. (F. D. C. No. 38683. S. Nos. 35-748/9 M.)

QUANTITY: 100 25-lb. bags at Chicago, Ill.

SHIPPED: 5-3-55 and 6-9-55, from Cedar Rapids, Iowa.

LIBELED: 11-9-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-20-55. Default—destruction.

22866. Rolled oats. (F. D. C. No. 38791. S. Nos. 21-471/2 M.)

QUANTITY: 55 cases, 12 2-lb., 8-oz. pkgs. each, at Tulsa, Okla.

SHIPPED: 12-28-54 and 8-23-55, from Cedar Rapids, Iowa.

LIBELED: 12-7-55, N. Dist. Okla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-23-55. Default—destruction.

22867. Rice. (F. D. C. No. 38505. S. Nos. 36-743/8 M, 36-750 M, 36-753/5 M, 36-757 M, 36-759 M.)

QUANTITY: 917 100-lb. bags at Bronx, N. Y.

SHIPPED: Between 1-13-55 and 7-27-55, from Houston, Tex., Sacramento, Calif., and San Juan, P. R.

LIBELED: 10-19-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-14-55. Consent—claimed by T. J. Krikorian & Son, Inc., Bronx, N. Y. Segregated, 397 lbs. denatured.

*See also No. 22937.

22868. Rice. (F. D. C. No. 38654. S. Nos. 29-436/7 M.)

QUANTITY: 1,466 25-lb. bags at New York, N. Y.

SHIPPED: 11-17-54, from Crowley, La.

LIBELED: 11-2-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-23-55. Consent—claimed by Connell Rice & Commission Co., Inc., New York, N. Y. Segregated, 95 lbs. destroyed.

22869. Wild rice. (F. D. C. No. 38761. S. No. 26-343 M.)

QUANTITY: 25 80-lb. bags and 10 100-lb. bags at Cohasset, Minn., in possession of Hicks Co.

SHIPPED: 8-18-55, imported from Winnipeg, Canada.

LIBELED: 11-17-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-20-55. Consent—claimed by Roland M. Hicks, t/a Hicks Co. Segregated, 115 lbs. destroyed.

22870. Toasted wheat cereal. (F. D. C. No. 38640. S. No. 29-431 M.)

QUANTITY: 9 100-lb. bags at New York, N. Y.

SHIPPED: 2-12-55, from Moundridge, Kans.

LIBELED: 10-19-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-14-55. Default—destruction.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CHOCOLATE PRODUCTS

22871. Chocolate liquor. (F. D. C. No. 38659. S. Nos. 36-943 M, 36-945 M.)

QUANTITY: 75 65-lb. cartons at Brooklyn, N. Y.

SHIPPED: 6-29-55, from Santo Domingo.

LIBELED: 11-1-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects, insect parts, insect webbing, and insect excreta while held for sale.

DISPOSITION: 11-15-55. Consent—claimed by Chocolatera Industrial, C por A, a foreign corporation. Segregated, 657 lbs. destroyed.

22872. Cocoa beans. (F. D. C. No. 38183. S. No. 29-638 M.)

QUANTITY: 250 100-lb. bags at Brooklyn, N. Y.

SHIPPED: 3-27-55, from Caracas, Venezuela.

LIBELED: 6-17-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 7-14-55. Consent—claimed by Wessel Duval & Co., Inc., New York, N. Y. Segregated, 396 lbs. destroyed.

22873. Cocoa beans. (F. D. C. No. 38216. S. No. 12-265 M.)

QUANTITY: 1,251 pounds in 7 bags at Brooklyn, N. Y.

SHIPPED: 5-11-55, from Hoboken, N. J., by Lorraine Trading Corp.

LIBELED: 7-6-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained moldy cocoa beans when shipped.

DISPOSITION: 7-29-55. Default—destruction.

22874. Cocoa beans. (F. D. C. No. 38746. S. Nos. 36-906/7 M.)

QUANTITY: 2 35-lb. bags, 2 40-lb. bags, 2 65-lb. bags, 1 70-lb. bag, and 6 140-lb. bags at Brooklyn, N. Y.

SHIPPED: From foreign countries sometime during the 4 years preceding the filing of the libel.

LIBELED: 12-20-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects, insect parts, insect excreta, and wood fibers while held for sale.

DISPOSITION: 3-8-56. Default—destruction.

22875. Cocoa. (F. D. C. No. 37621. S. No. 3-011 M.)

QUANTITY: 79 50-lb. drums and 100 100-lb. bags at Boston, Mass., in possession of Clinton Chocolate Co.

SHIPPED: Between 6-29-54 and 9-20-54, from New York, N. Y.

RESULTS OF INVESTIGATION: The interstate shipment consisted of cocoa press cake, and upon receipt by the Clinton Chocolate Co., the press cake was ground and placed in drums and bags. Inspection of the Clinton Chocolate Co. showed that insanitary conditions existed which would result in contamination of the prepared and stored article.

LIBELED: 1-21-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared and held under insanitary conditions.

DISPOSITION: 8-30-55. Default—destruction.

22876. Cocoa dust. (F. D. C. No. 37620. S. Nos. 3-012/3 M.)

QUANTITY: 46 134-lb. bags at Boston, Mass.

SHIPPED: Between 11-12-54 and 12-29-54, from Philadelphia, Pa., by Woodward & Dickerson.

LABEL IN PART: "Made In Italy Sphila."

LIBELED: 1-21-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs when shipped.

DISPOSITION: 8-30-55. Default—destruction.

CONFECTIONERY

22877. Candy. (F. D. C. No. 38409. S. No. 23-081 M.)

QUANTITY: 157 cartons at Lowell, Mass.

SHIPPED: 8-3-55, from Florin, Pa., by Bachman Chocolate Mfg. Co.

LABEL IN PART: "Small dark sweet chocolate drops 32 lbs. net. Bachman Chocolate Manufacturing Co. Mount Joy, Pa."

LIBELED: 8-26-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained fly heads, fly fragments, rodent hairs, and rodent excreta; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-4-55. Default—destruction.

22878. Peanut patties. (F. D. C. No. 37752. S. No. 8-391 M.)

QUANTITY: 49 boxes, 80 pieces each, at Clinton, Okla.

SHIPPED: 8-27-54, from Tyler, Tex.

LIBELED: 1-20-55, W. Dist. Okla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-23-55. Default—consumption by animals.

SIRUP

22879. Dried corn sirup. (F. D. C. No. 36733. S. No. 63-869 L.)

QUANTITY: 7 100-lb. bags at Quincy, Ill., in possession of Miller Hygrade Ice Cream Co.

SHIPPED: 3-10-54, from Keokuk, Iowa.

LIBELED: 5-5-54, S. Dist. Ill.

CHARGE: 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-10-54. Default—destruction.

SUGAR

22880. Sugar. (F. D. C. No. 37378. S. No. 801 M.)

QUANTITY: 477 100-lb. bags at Jacksonville, Fla.

SHIPPED: 7-1-54, from Havana, Cuba.

LIBELED: 11-26-54, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained rodent urine, rodent hairs, and insects while held for sale.

DISPOSITION: 1-3-55. Consent—claimed by Olavarria & Co., Inc., New York, N. Y., and re-refined.

22881. Sugar. (F. D. C. No. 38192. S. No. 21-745 M.)

QUANTITY: 938 100-lb bags at Philadelphia, Pa.

SHIPPED: Prior to 6-7-54, from Cuba.

LIBELED: 6-17-55, E. Dist. Pa.; amended 6-23-55.

CHARGE: 402 (a) (3)—contained dirt and other extraneous material while held for sale.

DISPOSITION: 8-3-55. Consent—claimed by Olavarria & Co., Inc., New York, N. Y. The article was reprocessed to bring it in compliance with the law.

22882. Yellow cane sugar. (F. D. C. No. 38013. S. No. 7-441 M.)

QUANTITY: 43 100-lb. bags at Denver, Colo., in possession of Pure Food Mfg. Co.

SHIPPED: 11-22-54 and 12-3-54, from Crockett, Calif.

LIBELED: 4-11-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-6-55. Consent—claimed by Pure Food Mfg. Co. Segregated—15 100-lb. bags destroyed.

DAIRY PRODUCTS**BUTTER**

22883. Butter. (F. D. C. No. 38564. S. Nos. 35-803/7 M.)

INFORMATION FILED: 1-13-56, Dist. Nebr., against Crofton Co-operative Creamery Co., a corporation, Crofton, Nebr., and David E. Couchman, manager of the corporation.

SHIPPED: 9-1-55, from Nebraska to Illinois.

LABEL IN PART: (Carton) "Butter L. D. Schreiber & Co., Inc. Sales Agent For The Marketing Association of America A Cooperative Distributors Chicago Illinois Net Wt. 64."

CHARGE: 402 (a) (3)—contained insect fragments and prepared from filth-contaminated cream; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-9-56. Corporation fined \$100, plus costs, and individual fined \$100. Each defendant placed on probation for 2 years.

CHEESE

22884. Cheese. (F. D. C. No. 38569. S. Nos. 3-803 M, 19-122 M.)

INFORMATION FILED: 2-6-56, N. Dist. N. Y., against Otis J. Edgar, t/a Worth Cheese Factory, Rodman, N. Y.

ALLEGED VIOLATION: On 8-10-54, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that all food products shipped by the defendant to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On 11-3-54, the defendant shipped a number of adulterated cheeses to the holder of the guaranty at Waverly, N. Y. In addition, on or about 7-21-55, the defendant shipped from Rodman, N. Y., to Alliance, Ohio, a number of boxes of adulterated cheeses.

CHARGE: 402 (a) (3)—contained when shipped manure fragments, rodent hair fragments, cow hair, and insect fragments, and was prepared from filth-contaminated milk; and 402 (a) (4)—the article delivered under the guaranty was prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-12-56. \$100 fine.

22885. Cottage cheese with cream added. (F. D. C. No. 38542. S. Nos. 22-967/9 M.)

INFORMATION FILED: 11-14-55, Dist. Vt., against Green Mountain Dairy Products, Inc., Burlington, Vt.

SHIPPED: 7-18-55 and 7-19-55, from Vermont to Massachusetts.

CHARGE: 402 (a) (3)—contained fly parts and fly eggs; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-28-55. \$100 fine.

FISH AND SHELLFISH

22886. Canned kipper snacks. (F. D. C. No. 38756. S. No. 40-331 M.)

QUANTITY: 28 cases, 48 5-oz. cans each, at St. Paul, Minn.

SHIPPED: 7-12-54, from Nova Scotia, Canada.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 11-15-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 1-3-56. Default—destruction.

22887. Canned fish roe. (F. D. C. No. 38685. S. No. 37-201 M.)

QUANTITY: 50 cases, 100 1½-oz. tins each, at New York, N. Y.

SHIPPED: 9-3-55, from Stavanger, Norway.

LIBELED: 12-6-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 1-12-56. Default—destruction.

22888. Oysters. (F. D. C. No. 38486. S. Nos. 20-197/8 M.)

QUANTITY: 88 ½-pint cans and 78 1-pint cans at Baltimore, Md.

SHIPPED: The article was delivered at Baltimore, Md., on or about 10-3-55, by Bay Food Products, Inc., for shipment to Southern Pines, N. C.

LABEL IN PART: "Cap'n John's Fresh Oysters."

LIBELED: On or about 10-11-55, Dist. Md.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-8-55. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

22889. Canned boysenberries. (F. D. C. No. 38787. S. No. 26-164 M.)

QUANTITY: 82 cases, 24 1-lb. cans each, at St. Paul, Minn.

SHIPPED: 4-11-55, from Van Buren, Ark.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 12-5-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 1-17-56. Default—destruction.

22890. Canned loganberries. (F. D. C. No. 38796. S. No. 40-762 M.)

QUANTITY: 39 cases, 48 11-oz. cans each, at Deadwood, S. Dak.

SHIPPED: 8-28-52, from Salem, Oreg.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 12-23-55; amended 2-2-56, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 2-2-56. Consent—destruction.

22891. Canned black raspberries. (F. D. C. No. 38775. S. No. 26-388 M.)

QUANTITY: 9 cases, 48 8¾-oz. cans each, at St. Paul, Minn.

SHIPPED: During the fall of 1953, from Portland, Oreg.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 11-23-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 1-5-56. Default—destruction.

DRIED FRUIT

22892. Dried fruit. (F. D. C. No. 38469. S. Nos. 32-854/59 M.)

QUANTITY: 6 cases, 24 12-oz. pkgs. each, of dried pears, 10 cases, 12 1-lb. pkgs. each, of dried apples, 5 cases, 24 12-oz. pkgs. each, of mixed dried fruit, 3 cases, 24 1-lb. pkgs. each, and 4 cases, 12 2-lb. pkgs. each, of prunes, and 1 case containing 16 1½-lb. pkgs. of raisins at Farmington, N. Mex., in possession of Farmington Mercantile Co.

SHIPPED: Between 1-22-54 and 4-6-55, from San Francisco, Calif.

LIBELED: 9-29-55, Dist. N. Mex.

CHARGE: 402 (a) (3)—contained insects, insect excreta, insect parts, and rodent excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 10-31-55. Default—destruction.

22893. Prunes and dried mixed fruit. (F. D. C. No. 38500. S. Nos. 38-142/5 M.)

QUANTITY: 71 cases, 24 1-lb. bags each, and 9 cases, 24 2-lb. boxes each, of prunes, and 34 cases, 24 12-oz. bags each, of dried mixed fruit at St. Louis, Mo.

SHIPPED: Between 12-17-53 and 3-18-55, from San Jose, Calif.

LIBELED: 10-13-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-8-55. Default—destruction.

22894. Prunes. (F. D. C. No. 38726. S. No. 48-401 M.)

QUANTITY: 21 30-lb. boxes at New York, N. Y.

SHIPPED: 11-18-54, from Cupertino, Calif.

LIBELED: 12-12-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insect excreta and moldy prunes while held for sale.

DISPOSITION: 1-13-56. Default—destruction.

22895. Raisins. (Inj. No. 294.)

COMPLAINT FOR INJUNCTION FILED: 9-29-55, S. Dist. Calif., against West Coast Growers & Packers, Inc., Selma and Dinuba, Calif., and D. R. Hoak, Jr., secretary-treasurer and general manager.

CHARGE: The complaint alleged that the defendants had been and were, at the time of filing the complaint, engaged in the business of buying, storing, processing, packing, and selling various types of raisins, a food; that they had been and were, at the time of filing the complaint, storing and holding such food at Selma and Dinuba, Calif., in exposed areas without proper protection from rodent and insect infestation, with the result that such food was contaminated with rodents, rodent excreta, rodent hairs, bird excreta, insects, and insect fragments; that, at the time of filing the complaint, the defendants had approximately 1,000 tons of raisins on their premises under the aforesaid conditions and were receiving additional quantities; and, that the defendants were causing to be introduced into interstate commerce raisins adulterated within the meaning of 402 (a) (3) in that they contained rodent excreta, rodent hairs, insects, and insect fragments, and within the meaning of 402 (a) (4)—in that they had been prepared, packed, and held under insanitary conditions.

The complaint further alleged that the defendants were well aware that their activities were violative of the law in that between 10-29-53 and 9-26-55 seven inspections were made by the Food and Drug Administration of their Selma and Dinuba plants, during the course of which the insanitary conditions prevailing therein were brought to the attention of the defendants or their agents both orally and in writing; and that the defendants' product had been seized on one occasion.

DISPOSITION: On 9-29-55, the court issued a temporary restraining order. Thereafter, on 10-6-55, the defendants having consented to the entry of a decree, an injunction was entered enjoining the defendants from introducing or delivering for introduction into interstate commerce any raisins adulterated within the meaning of 402 (a) (3) or (4).

Further, the decree specifically enjoined the defendants from introducing into interstate commerce (1) a lot of 350 tons of the 1954 crop of Natural Thompson Seedless Raisins stored at defendants' Selma plant; (2) a lot of 37 tons of the 1954 crop of Muscat raisins stored at defendants' Dinuba plant; (3) the stocks of processed and packaged raisins stored at defendants' Selma and Dinuba plants; and (4) that portion of a 550-ton lot of the 1954 crop of Natural Thompson Seedless Raisins stored at the defendants' Selma plant, which consisted of boxes constituting the top layer of each pallet of stacked raisins and of other boxes so stacked or in such condition as to be accessible to rodent invasion. However, the decree provided that such lots could be exported if they [1] accorded to the specifications of the foreign purchaser, [2] were not in conflict with the laws of the country to which they were intended for export, and [3] were labeled on the outside of the shipping packages to show that they were intended for export; or disposed of in any other manner approved in writing by the Food and Drug Administration.

The decree provided also that the remainder of the aforementioned 550-ton lot stored at defendants' Selma plant, might be introduced into interstate commerce for domestic consumption on the following conditions: (1) that such raisins be inspected under the supervision of the Agricultural Marketing Service, the Food and Drug Administration, or any other inspection agency agreed upon by the parties, (2) that such agency make a box by box inspection at the stemmer whereby those boxes containing evidence of insect or rodent infestation, according to the standards of the Food and Drug Administration, should be set aside and disposed of in the same manner as those raisins discussed in the preceding paragraph. The decree provided that such raisins,

when processed and packaged, were to be in compliance with 402 (a) (3) and (4).

The provisions of the decree were to cease to have effect when final disposition was made by the defendants of all raisins acquired from the 1955-1956 raisin crop year, provided that all storage, processing, and final disposition of raisins marketed by the defendants during the effective period of the decree had been in compliance with the terms of the decree.

22896. Raisins. (F. D. C. No. 38648. S. Nos. 20-201/2 M.)

QUANTITY: 173 30-lb. cartons at Baltimore, Md.

SHIPPED: 8-29-55, from Del Rey, Calif.

LIBELED: On or about 10-18-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-14-55. Default—destruction.

22897. Raisins. (F. D. C. No. 38491. S. No. 32-161 M.)

QUANTITY: 145 30-lb. cases at Philadelphia, Pa.

SHIPPED: 4-20-55, from San Francisco, Calif.

LIBELED: 10-10-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-15-55. Default—destruction.

22898. Raisins. (F. D. C. No. 38643. S. No. 17-598 M.)

QUANTITY: 21 30-lb. cartons at Baltimore, Md.

SHIPPED: 8-29-55, from Del Rey, Calif., by Central California Packing Co.

LABEL IN PART: (Carton) "Del Cara Midget Seedless Raisins."

LIBELED: On or about 10-14-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 11-8-55. Default—destruction.

FROZEN FRUIT

22899. Frozen strawberries. (F. D. C. No. 38490. S. No. 1-676 M.)

QUANTITY: 2,453 30-lb. cans at Tampa, Fla.

SHIPPED: 8-2-55 and 8-16-55, from Everett, Wash., and East Portland, Oreg.

LIBELED: 10-11-55, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained decomposed strawberry material while held for sale.

DISPOSITION: 1-12-56. Consent—destruction.

VEGETABLES

22900. Beans. (F. D. C. No. 38815. S. No. 19-558 M.)

QUANTITY: 4 100-lb. bags at Cleveland, Ohio.

SHIPPED: 11-9-55 and 12-7-55, from North Kansas City, Mo.

LIBELED: 1-16-56, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained rodent excreta while held for sale.

DISPOSITION: 2-10-56. Default—destruction.

22901. Cranberry beans. (F. D. C. No. 38644. S. No. 29-432 M.)

QUANTITY: 14 100-lb. bags at New York, N. Y.

SHIPPED: 6-24-55, from Bay Port, Mich.

LIBELED: 10-21-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained moldy beans while held for sale.

DISPOSITION: 11-21-55. Default—destruction.

22902. Dried beans. (F. D. C. No. 38740. S. Nos. 33-189/96 M, 33-198/200 M, 42-800 M.)

QUANTITY: 3 100-lb. bags; 20 cases, 12 2-lb. bags each; 21 cases, 24 1-lb. bags each; and 1 case containing 23 1-lb. bags at Big Spring, Tex.

SHIPPED: Prior to 9-15-55, from points outside Texas.

LIBELED: 12-28-55, N. Dist. Tex.

CHARGE: 402 (a) (3)—the 3 100-lb. bags contained moldy beans, and all other lots contained insects while held for sale.

DISPOSITION: 3-21-56. Default—destruction.

22903. Lima beans. (F. D. C. No. 38780. S. No. 40-703 M.)

QUANTITY: 5 100-lb. bags at Davenport, Iowa, in possession of Lynn-Smith Co.

SHIPPED: 4-21-54, from Oxnard, Calif.

LIBELED: 11-29-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-18-56. Default—consumption by animals.

22904. Navy beans. (F. D. C. No. 38794. S. No. 40-708 M.)

QUANTITY: 100 cases, 12 5-lb. pkgs. each, at Minneapolis, Minn.

SHIPPED: 12-7-54, from Port Huron, Mich.

LIBELED: 12-19-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-3-56. Default—consumption by animals.

22905. Pinto beans. (F. D. C. No. 38811. S. No. 2-268 M.)

QUANTITY: 18 100-lb. bags at Spencer, W. Va.

SHIPPED: 6-3-55, from Bay City and Hemlock, Mich.

LIBELED: 1-6-56, S. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent excreta while held for sale.

DISPOSITION: 2-21-56. Default—consumption by animals.

22906. Pinto beans. (F. D. C. No. 38770. S. No. 40-336 M.)

QUANTITY: 18 100-lb. bags at Cedar Rapids, Iowa, in possession of Witwer Grocer Co.

SHIPPED: 5-28-55, from Sterling, Colo.

LIBELED: 11-22-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-22-55. Default—converted to animal feed.

22907. Green split peas. (F. D. C. No. 38641. S. No. 29-428 M.)

QUANTITY: 25 100-lb. bags at New York, N. Y.

SHIPPED: 2-24-55, from Chicago, Ill.

LIBELED: 10-19-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-14-55. Consent—claimed by Embassy Grocery Corp., New York, N. Y. Segregated, 46 lbs. denatured.

22908. Green split peas and yellow split peas. (F. D. C. No. 38642. S. Nos. 29-429/30 M.)

QUANTITY: 200 25-lb. bags of green split peas and 60 100-lb. bags of yellow split peas at New York, N. Y.

SHIPPED: 3-25-55, from Spokane, Wash.

LIBELED: 10-19-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-7-55. Consent—claimed by Spokane Seed Co., Spokane, Wash. Segregated, 104 lbs. destroyed.

TOMATOES AND TOMATO PRODUCTS

22909. Canned tomato products. (Inj. No. 297.)

COMPLAINT FOR INJUNCTION FILED: 1-20-56, S. Dist. Calif., against Pure Foods Corp., Gardena, Calif., Joseph Fisch, president, and Harold Fisch, secretary-treasurer and general manager, to enjoin the interstate shipment of adulterated canned tomato products.

CHARGE: The complaint alleged that the defendants had been and were, at the time of filing the complaint, engaged in the business of buying, storing, preparing, processing, packing, holding, selling, and transporting tomatoes and canned tomato products; that in the conduct of the business in the 1955 canning season, the defendants had failed to sort and trim incoming raw tomato stocks adequately to remove rotten, moldy, and sour tomato material and had failed to maintain sanitary safeguards during storage and processing, namely, they had allowed many large cans of garbage to accumulate and to be held close to stocks of incoming raw material and had failed to keep their plant clean of discarded tomato refuse, with the result that large numbers of fruit flies and house flies were present and had infested the tomatoes during all stages of storage and processing; and, that consequently, the finished products contained rotten, moldy, and sour tomato material, fly eggs, insect fragments, and maggots.

The complaint alleged further that the defendants possessed stocks of canned tomato products stored in Gardena, Calif., in excess of 10,000 cases and additional stocks stored in warehouses, the location of which the defendants had refused to divulge; that the defendants had caused to be introduced and delivered for introduction into interstate commerce canned tomato products which were adulterated within the meaning of 402 (a) (3) because of the presence therein of rotten, moldy, and sour tomatoes, fly eggs, insect frag-

ments, and maggots, and within the meaning of 402 (a) (4) because they were prepared, packed, and held under insanitary conditions; that inspections made at the defendants' plant and warehouses at Gardena, Calif., by inspectors of the Food and Drug Administration revealed the existence of insanitary conditions and inadequate sorting and trimming practices, which conditions were brought to the attention of the defendants both orally and in writing; and, that despite such warnings, there was no improvement of these objectionable conditions and practices.

The complaint alleged also that an interstate shipment of the defendants' products had been seized in November 1955, and that a number of other seizure actions had been filed or were in the process of being filed; and, that the defendants would, unless restrained, continue to use interstate channels for the sale and distribution of adulterated canned tomato products.

DISPOSITION: On 1-20-56, the court issued a temporary restraining order enjoining the defendants from directly or indirectly causing to be introduced or delivered for introduction into interstate commerce canned tomato juice, tomato puree, tomato paste, or any other tomato products adulterated as described in the complaint. The temporary restraining order also directed the defendants to disclose to a duly authorized representative of the Food and Drug Administration, upon request, a complete inventory of canned tomato products, sold or unsold, in their possession or in the custody of other persons. This order remained in effect until 3-23-56, when, the defendants having consented to the entry of a decree and the court having adopted the statutory definitions of the word "adulterated," the court issued an injunction permanently enjoining the defendants from directly or indirectly causing to be introduced or delivered for introduction into interstate commerce any canned tomato juice, tomato puree, tomato paste, or any other tomato product adulterated within the meaning of 402 (a) (3) and (4).

22910. Canned tomatoes. (F. D. C. No. 38671. S. No. 36-601 M.)

QUANTITY: 760 cases, 24 cans each, at Bronx, N. Y.

SHIPPED: 9-15-55, from Threeway, Va., by Belmont Canning Co.

LABEL IN PART: (Can) "Pride Of The Farm Brand Contents 1 Lb. Peeled Tomatoes."

LIBELED: 11-29-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material.

DISPOSITION: 1-13-56. Default—destruction.

22911. Canned tomatoes. (F. D. C. No. 38703. S. No. 36-992 M.)

QUANTITY: 461 cases, 6 6-lb., 6-oz. cans each, at New York, N. Y.

SHIPPED: 9-3-55, from King George, Va., by Mount Rose Canning Co.

LABEL IN PART: (Can) "Embco Brand Tomatoes."

LIBELED: 12-1-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-13-56. Default—destruction.

22912. Canned tomatoes. (F. D. C. No. 38699. S. Nos. 23-099/100 M.)

QUANTITY: 442 cases, 24 1-lb. cans each, and 143 cases, 24 1-lb., 11-oz. cans each, at Danbury, Conn.

SHIPPED: 8-30-55, from Federalsburg, Md., by A. W. Sisk & Son.

LABEL IN PART: (Can) "Red-Glo Tomatoes."

LIBELED: 11-22-55, Dist. Conn.

CHARGE: 402 (a) (3)—contained fly eggs and maggots; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-16-56. Default—destruction.

22913. Tomato juice. (F. D. C. No. 38063. S. No. 6-872 M.)

QUANTITY: 60 cases, 12 1-qt., 14-oz. cans each, at Ogden, Utah.

SHIPPED: 2-24-55, from Havre, Mont., by Varney Canning, Inc.

LABEL IN PART: (Can) "Varney Brand Sun Pic * * * Tomato Juice."

LIBELED: 6-3-55, Dist. Utah.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-4-56. Default—destruction.

22914. Tomato paste. (F. D. C. No. 38795. S. No. 20-953 M.)

QUANTITY: 30 cases, 96 6¼-oz. cans each, at Kansas City, Mo.

SHIPPED: About 3 years prior to filing of libel, from Stockton, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: On or about 12-20-55, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 2-1-56. Default—destruction.

22915. Tomato puree. (F. D. C. No. 38478. S. Nos. 36-690 M, 36-693 M.)

QUANTITY: 49 cases, 6 6-lb., 6-oz. cans each, at Bronx, N. Y.

SHIPPED: 9-7-55, from Snow Hill, Md., by Italian Style Tomato Packers.

LABEL IN PART: (Can) "White Horse Brand Fancy Quality Tomato Puree."

LIBELED: 10-4-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 10-21-55. Default—destruction.

MEAT AND POULTRY

22916. Dressed poultry. (F. D. C. No. 37858. S. Nos. 76-882 L, 89-949 L, 2-793 M.)

INFORMATION FILED: 4-26-55, Dist. N. H., against Karanikas & Sons, a partnership, Goffstown, N. H.

SHIPPED: Between 8-10-54 and 2-1-55, from New Hampshire to Massachusetts.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material; and 402 (a) (5)—contained diseased birds when shipped.

PLEA: Not guilty.

DISPOSITION: On 9-28-55, the court on its own motion dismissed the information for failure to designate any legal entity or person. Thereafter, the Government filed a motion for rehearing on the grounds that (1) Federal case law established the propriety of prosecuting a partnership as a legal entity where the statute authorized such prosecution and (2) that New Hampshire case law established that a partnership consisting of more than four persons could be sued as a legal entity (the defendant was a partnership consisting of six partners).

The court heard the motion for rehearing on 10-24-55, and subsequently vacated its order of dismissal and reinstated the information. Thereafter, the defendant changed its plea to nolo contendere, and on 3-19-56 was fined \$1,000.

22917. Canned frankfurters. (F. D. C. No. 38709. S. No. 11-879 M.)

QUANTITY: 15 cases, 48 8-oz. cans each, at New York, N. Y.

SHIPPED: From West Germany on unknown dates.

LIBELED: 12-6-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 1-13-56. Default—destruction.

NUTS AND NUT PRODUCTS*

22918. Unshelled brazil nuts. (F. D. C. No. 38714. S. Nos. 36-705/7 M.)

QUANTITY: 50 100-lb. bags at New York, N. Y.

SHIPPED: Prior to 11-1-55, from Brazil.

LIBELED: 12-1-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained moldy and otherwise decomposed nuts while held for sale.

DISPOSITION: 1-13-56. Default—destruction.

22919. Unshelled brazil nuts. (F. D. C. No. 38769. S. No. 20-926 M.)

QUANTITY: 57 cases, 24 1-lb. pkgs. each, at Tulsa, Okla.

SHIPPED: 10-11-55 and 11-8-55, from Dallas, Tex.

LIBELED: 11-23-55, N. Dist. Okla.

CHARGE: 402 (a) (3)—contained decomposed brazil nuts and empty shells while held for sale.

DISPOSITION: 12-9-55. Default—destruction.

22920. Unshelled brazil nuts, mixed nuts, and walnuts. (F. D. C. No. 38802. S. Nos. 40-343/5 M.)

QUANTITY: 36 50-lb. bags of mixed nuts, 14 100-lb. bags of brazil nuts, and 35 100-lb. bags of walnuts at Bismarck, N. Dak., in possession of Gamble-Robinson Co.

SHIPPED: 11-12-55, from Chico, Calif.

LIBELED: 12-20-55, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-2-56. Consent—claimed by Pacific Gamble-Robinson Co. Segregated, 260 lbs. of brazil nuts, 220 lbs. of mixed nuts, and 115 lbs. of walnuts destroyed.

*See also No. 22930.

22921. Cashew nuts. (F. D. C. No. 38663. S. No. 29-438 M.)

QUANTITY: 5 cases, 2 25-lb. tins each, at New York, N. Y.

SHIPPED: 11-18-53, from India.

LIBELED: 11-7-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-6-55. Default—destruction.

22922. Shelled peanuts. (F. D. C. No. 38662. S. Nos. 25-783 M, 26-554 M.)

QUANTITY: 23 120-lb. bags and 114 100-lb. bags at St. Paul, Minn., in possession of Central Warehouse Co.

SHIPPED: 4-18-55 and 6-3-55, from Dallas, Tex., and Chicago, Ill.

LIBELED: 10-29-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-29-55. Consent—claimed by Fisher Nut Co., St. Paul, Minn. Segregated, 1,000 lbs. destroyed.

22923. Shelled peanuts. (F. D. C. No. 38783. S. No. 36-229 M.)

QUANTITY: 7 115-lb. bags at Huntington, Ind., in possession of Phyleen Candy Co.

SHIPPED: 8-30-55, from Lexington, Ky.

LIBELED: 12-5-55, N. Dist. Ind.

CHARGE: 402 (a) (3)—contained rodent hairs; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-15-56. Default—consumption by animals.

22924. Shelled pecans. (F. D. C. No. 38793. S. No. 21-303 M.)

QUANTITY: 4 30-lb. boxes at Kansas City, Kans.

SHIPPED: 12-3-55, from Wewoka, Okla.

RESULTS OF INVESTIGATION: Examination showed that the article contained worms and rodent excreta.

LIBELED: 12-15-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained filthy substance while held for sale.

DISPOSITION: 1-31-56. Default—destruction.

22925. Shelled walnuts. (F. D. C. No. 38290. S. No. 25-760 M.)

QUANTITY: 24 25-lb. boxes at St. Paul, Minn.

SHIPPED: 12-8-54, from Modesto, Calif.

LIBELED: 8-16-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-damaged walnuts and moldy walnuts while held for sale.

DISPOSITION: 9-9-55. Consent—claimed by Fisher Nut Co., St. Paul, Minn. Segregated, 117 lbs. destroyed.

22926. Shelled black walnuts. (F. D. C. No. 38781. S. No. 40-337 M.)

QUANTITY: 13 30-lb. boxes at Davenport, Iowa.

SHIPPED: 8-18-55, from Kansas City, Mo.

LIBELED: 11-29-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-19-56. Default—consumption by animals.

22927. Shelled black walnuts. (F. D. C. No. 38653. S. No. 1-807 M.)

QUANTITY: 2 35-lb. cases at Norfolk, Va.

SHIPPED: 9-19-55, from Nashville, Tenn.

LIBELED: 10-27-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-2-55. Default—destruction.

22928. Unshelled mixed nuts. (F. D. C. No. 38785. S. No. 25-904 M.)

QUANTITY: 27 50-lb. bags at Chariton, Iowa, in possession of Chariton Wholesale Grocery.

SHIPPED: 10-17-55, from Chicago, Ill.

LIBELED: 12-2-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent-gnawed nuts; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-13-56. Default—destruction.

22929. Peanut butter. (F. D. C. No. 37856. S. No. 4-017 M.)

INDICTMENT RETURNED: 10-14-55, S. Dist. Ohio, against Union Food Products Co., a corporation, Greenville, Ohio, and Edward F. Pilliod, president.

SHIPPED: 11-8-54, from Ohio to Pennsylvania.

LABEL IN PART: "Ribbon Brand Peanut Butter Salt Added Contents 2 lb. Packed for New Castle Grocery Co. New Castle, Pa."

CHARGE: 402 (a) (3)—contained rodent excreta fragments, rodent hair fragments, and insect fragments; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 1-12-56. Corporation fined \$1,000; individual fined \$500.

SPICES, FLAVORS, AND SEASONING MATERIALS

22930. Mustard bran and shelled peanuts (2 seizure actions). (F. D. C. Nos. 38240, 38252. S. Nos. 22-451/2 M.)

QUANTITY: 182 100-lb. bags of mustard bran and 177 125-lb. bags of peanuts at Chicago, Ill., in possession of Nash-Underwood, Inc.

SHIPPED: Between 7-6-54 and 6-14-55, from Blakely, Ga., and New York, N. Y.

LIBELED: 7-29-55 and 8-2-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—the peanuts contained insects, and the mustard bran contained rodent excreta and rodent hairs; and 402 (a) (4)—the mustard bran was held under insanitary conditions.

DISPOSITION: 8-12-55. The libel actions having been consolidated and Nash-Underwood, Inc., claimant, having consented to the entry of a decree, judgment was entered condemning the articles and ordering their release under bond to be brought into compliance with the law. Segregated, 3,775 lbs. of shelled peanuts and 1,700 lbs. of mustard bran destroyed.

22931. Cherry peppers. (F. D. C. No. 38652. S. No. 31-879 M.)

QUANTITY: 34 cases, 12 1-qt. jars each, at Philadelphia, Pa.

SHIPPED: 9-22-55, from Camden, N. J., by Kaplan & Zubrin.

LABEL IN PART: (Jar) "Il Primo Brand Cherry Peppers."

LIBELED: 10-24-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 11-21-55. Default—destruction.

22932. Pizza sauce. (F. D. C. No. 38479. S. No. 36-691 M.)

QUANTITY: 240 cases, 6 6-lb., 6-oz. cans each, at Brooklyn, N. Y.

SHIPPED: 8-26-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "Lulu Brand Prepared Pizza Sauce * * * Contents 6 Lbs. 6 Ozs."

LIBELED: 10-6-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 11-7-55. Default—destruction.

22933. Pizza sauce. (F. D. C. No. 38476. S. No. 36-689 M.)

QUANTITY: 100 cases, 6 6-lb., 6-oz. cans each, at New York, N. Y.

SHIPPED: 9-9-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "Jonsco Brand Con Basilico Pizza Sauce."

LIBELED: 10-11-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 11-14-55. Default—destruction.

22934. Pizza sauce. (F. D. C. No. 38650. S. No. 36-604 M.)

QUANTITY: 42 cases, 6 cans each, at Teaneck, N. J.

SHIPPED: 9-7-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "Jonsco Brand Pizza Sauce * * * Contents 6 Lbs. 6 Oz."

LIBELED: 10-21-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 12-13-55. Default—destruction.

22935. Paprika. (F. D. C. No. 38492. S. No. 35-533 M.)

QUANTITY: 12 100-lb bags at Chicago, Ill.

SHIPPED: 5-12-55, from Brooklyn, N. Y.

LIBELED: 10-11-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-21-55. Default—destruction.

22936. Fennel seed. (F. D. C. No. 38810. S. No. 21-359 M.)

QUANTITY: 6 115-lb. bbls. at Omaha, Nebr.

SHIPPED: 12-13-55, from Chicago, Ill.

LIBELED: On or about 1-13-56, Dist. Nebr.

CHARGE: 402 (a) (3)—contained rodent excreta and other manure while held for sale.

DISPOSITION: 1-23-56. Consent—destruction.

22937. Iranian poppyseed, Dutch poppyseed, Polish poppyseed, coconut Sprinklettes, and Donut mix (5 seizure actions). (F. D. C. No. 38698. S. Nos. 32-167/71 M, 32-173 M.)

QUANTITY: 1 80-lb. bag of Iranian poppyseed, 1 70-lb. drum of Dutch poppyseed, 1 50-lb. drum of Polish poppyseed, 4 25-lb. boxes of coconut Sprinklettes, and 2 100-lb. bags of Donut mix at Wilkes-Barre, Pa., in possession of Bakers Supply & Machinery Co.

SHIPPED: Between 9-20-54 and 8-16-55, from Brooklyn, Buffalo, and New York, N. Y.

LIBELED: 11-18-55, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained rodent excreta, insects, and insect excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-16-55. Default—destruction.

22938. Sesame seed. (F. D. C. No. 38126. S. No. 17-403 M.)

INFORMATION FILED: 12-2-55, Dist. Md., against Wm. G. Scarlett & Co., a partnership, Baltimore, Md.

ALLEGED VIOLATION: Between 8-24-54 and 2-11-55, while a quantity of the above-named food was being held for sale, the defendant caused the product to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the product being adulterated.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-3-56. \$350 fine, plus costs.

22939. Turmeric. (F. D. C. No. 38471. S. Nos. 35-524/5 M.)

QUANTITY: 19 140-lb. bags at Chicago, Ill.

SHIPPED: 4-22-55 and 4-29-55, from New York, N. Y.

LIBELED: 9-30-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-16-55. Consent—claimed by American Spice Mills, Inc., Chicago, Ill. The reconditioning operations having been unsuccessful, the product was destroyed.

22940. Imitation vanilla flavor. (F. D. C. No. 38778. S. No. 26-643 M.)

QUANTITY: 21 cases, 12 2-oz. btls. each, at Fergus Falls, Minn.

SHIPPED: 1-26-53, from Chicago, Ill.

LIBELED: 12-1-55, Dist. Minn.

CHARGE: 402 (a) (2)—contained while held for sale an added poisonous and deleterious substance, coumarin, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 2-17-56. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

22941. Vitamin capsules. (F. D. C. No. 38672. S. No. 32-162 M.)

QUANTITY: 4 cartons, 24 28-capsule boxes each, at Scranton, Pa.

SHIPPED: Several years ago, from Jersey City, N. J.

RESULTS OF INVESTIGATION: Analysis showed that the article contained 23 per cent of the declared amount of vitamin B₁.

LIBELED: 11-10-55, M. Dist. Pa.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article while held for sale; and 403 (a)—the label statement "Each Capsule Contains: * * * Thiamin Hydrochloride (Vitamin B₁) 333 U. S. P. Units" was false and misleading.

DISPOSITION: 12-20-55. Default—destruction.

22942. Multicibus tablets. (F. D. C. No. 38277. S. No. 10-190 M.)

QUANTITY: 1 drum containing 19,000 tablets, 2 1,000-tablet btls., 2 500-tablet btls., and 6 100-tablet btls., at Minneapolis, Minn.

SHIPPED: 6-9-55, from Cedar Rapids, Iowa, by Paul Maney Laboratories.

LABEL IN PART: (Drum) "Rx No. 3394 Job No. B/27165 * * * Multicibus Tablets *Encot S. C. Orange * * * Each tablet contains: * * * Vitamin B₁₂ (as Vit. B₁₂ Conc.) 1 mg. * * * Used as a dietary supplement"; (btl.) "No. 666 Multicibus Parocotes* Orange Timed Disintegration Ingredients in each tablet: * * * Vitamin B₁₂ (as Vitamin B₁₂ concentrate) 1 mcgm."

RESULTS OF INVESTIGATION: The tablets in the bottles were repackaged from the bulk shipment and relabeled by the consignee. Analysis showed that the article in bulk and as repackaged contained less than the declared amount of vitamin B₁₂.

LIBELED: 8-13-55, Dist. Minn.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the statements (on drum label) "Each tablet contains: * * * Vitamin B₁₂ (as Vit. B₁₂ Conc.) 1 mg." and (on bottle label) "Ingredients in each tablet: * * * Vitamin B₁₂ (as Vitamin B₁₂ concentrate) 1 mcgm." were false and misleading as applied to a product which contained less than the stated amount of vitamin B₁₂.

DISPOSITION: 10-24-55. Consent—claimed by Paul Maney Laboratories. The tablets were reprocessed to bring them into compliance with the law.

22943. Beef soup base. (F. D. C. No. 37955. S. No. 12-080 M.)

QUANTITY: 4 cases, 24 3-oz. jars each, at Newark, N. J.

SHIPPED: 1-18-55, from Long Island City, N. Y., by White Coffee Corp.

LABEL IN PART: (Jar) "Parker House Beef Soup Base Concentrated * * * Salt Free."

LIBELED: 5-5-55, Dist. N. J.

CHARGE: 403 (a)—the label statement "Salt Free" was false and misleading since the article contained the equivalent of 4 percent salt; and 403 (j)—the article purported to be and was represented as a food for special dietary

uses by reason of its use as a means of regulating the intake of sodium, and its label failed to bear, as required by regulations, a statement of the number of milligrams of sodium in 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food.

DISPOSITION: 6-16-55. Default—destruction.

22944. Beef soup base. (F. D. C. No. 37991. S. No. 18-633 M.)

QUANTITY: 88 3-oz. jars at Newark, N. J.

SHIPPED: 5-6-55, from Woodside, N. Y., by White Coffee Corp.

LABEL IN PART: "Parker House Beef Soup Base This Is a Dietetic Soup."

LIBELED: 5-25-55, Dist. N. J.

CHARGE: 403 (a)—when shipped, the label statement "Number of Milligrams of Sodium in 100 grams is 0.21 and one cupful is 0.015" was false and misleading since the article contained substantially more than the stated amount of sodium.

DISPOSITION: 6-28-55. Default—destruction.

22945. Soup bases. (F. D. C. No. 37977. S. Nos. 18-630/1 M.)

QUANTITY: 4 cases, 24 12-oz. jars each, at Jersey City, N. J.

SHIPPED: 12-29-54 and 4-5-55, from New York, N. Y., by Darby Food Corp.

LABEL IN PART: (Jar) "Mary Lynn (Meatless) Cream of Mushroom Soup Base * * * Salt Free" or "Mary Lynn Brand Cream of Celery Soup Base * * * Salt Free."

LIBELED: 5-17-55, Dist. N. J.

CHARGE: 403 (a)—the label statement "Salt Free" was false and misleading since the articles contained a substantial amount of sodium; and 403 (j)—the articles purported to be and were represented as foods for special dietary uses by reason of their use as a means of regulating the intake of sodium, and their labeling failed to bear, as required by regulations, statements of the number of milligrams of sodium in 100 grams of the foods and statements of the number of milligrams of sodium in an average serving of the foods.

DISPOSITION: 6-29-55. Default—destruction.

MISCELLANEOUS FOODS

22946. Cheese enchiladas. (F. D. C. No. 38123. S. Nos. 8-804 M, 9-522 M.)

INFORMATION FILED: 9-8-55, S. Dist. Calif., against XLNT Spanish Food Co., Inc., Los Angeles, Calif., and Charles W. Gardiner, president.

SHIPPED: 11-22-54 and 2-9-55, from California to Arizona.

LABEL IN PART: "XLNT 2 Cheese Enchiladas California Style Mild Sauce: Net Wt. 9 Oz. Mfd. by XLNT Spanish Food Co., Los Angeles, Calif."

CHARGE: 402 (a) (4)—prepared, packed, and held under insanitary conditions.

PLEA: Nolo contendere—by corporation to 2 counts and by individual to 1 count.

DISPOSITION: 10-17-55. Corporation fined \$400; individual fined \$100.

22947. Gelatin. (F. D. C. No. 35928. S. No. 43-499 L.)

QUANTITY: 1 342-lb. drum at South San Francisco, Calif.

SHIPPED: 7-15-53, from Harrison, N. J.

LIBELED: 10-27-53, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained insects, insect excreta, and insect webbing while held for sale.

DISPOSITION: 12-30-53. Default—destruction.

22948. Mincemeat. (F. D. C. No. 36923. S. No. 87-439 L.)

QUANTITY: 20 cases, each containing 12 1-lb., 10-oz. jars, at Yakima, Wash.

SHIPPED: 9-16-53, from Forest Grove, Oreg.

LIBELED: 8-23-54, E. Dist. Wash.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 10-12-54. Default—destruction.

22949. Pie dough stabilizer. (F. D. C. No. 37355. S. No. 60-811 L.)

QUANTITY: 1 250-lb. drum and 2 275-lb. drums at Greensboro, N. C.

SHIPPED: 8-31-54, from New York, N. Y., by Relco Specialties, Inc.

LABEL IN PART: "Gold'N Crust * * * A Pie Dough Stabilizer."

LIBELED: 11-17-54, M. Dist. N. C.

CHARGE: 402 (a) (3)—contained insects and insect fragments when shipped.

DISPOSITION: 1-28-55. Default—converted into hog feed.

22950. Spudsaver-X (2 seizure actions). (F. D. C. Nos. 37920, 37921. S. Nos. 10-226/8 M.)

QUANTITY: 8 cases, 12 1-lb. jars each, and 2 cases, 6 5-lb. cans each, at Minneapolis and St. Paul, Minn.

SHIPPED: 8-6-54 and 8-16-54, from Chicago, Ill., by Pittsburgh Chemical Laboratory.

LABEL IN PART: (Jar and can) "Spudsaver-X * * * Crystalline Anti-Oxidant."

RESULTS OF INVESTIGATION: Examination showed that the article consisted essentially of sodium bisulfite.

LIBELED: 4-7-55, Dist. Minn.

CHARGE: 403 (a)—the statement on the label of a portion of the article "Spudsaver does not contain any Sodium Bi Sulfite" was false and misleading; and 403 (i) (2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: 5-23-55. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22851 TO 22950

PRODUCTS

	N. J. No.		N. J. No.
Apples, dried	22892	Beef soup base	22943, 22944
Bakery products	22851-22854	Bismarcks (bakery product)	22851
Beans, cranberry	22901	Boysenberries, canned	22889
dried	22900, 22902	Brazil nuts, unshelled	22918-22920
lima	22903	Bread and rolls	22852-22854
navy	22904	Butter	22883
pinto	22905, 22906	Candy. See Confectionery.	

	N. J. No.		N. J. No.
Cashew nuts_____	22921	Oats, rolled_____	22865, 22866
Celery soup base_____	22945	Oysters_____	22888
Cereals and cereal products___	22851-	Paprika _____	22935
	22870, 22937	Peanut(s), butter_____	22929
Cheese _____	22884	shelled_____	22922, 22923, 22930
cottage, with cream added____	22885	Pears, dried_____	22892
enchiladas_____	22946	Peas, split, green_____	22907, 22908
Chocolate liquor_____	22871	split, yellow_____	22908
Cocoa _____	22875	Pecans, shelled_____	22924
beans_____	22872-22874	Peppers, cherry_____	22931
dust_____	22876	Pie dough stabilizer_____	22949
Coconut Sprinklettes_____	22937	Pinto beans_____	22905, 22906
Confectionery_____	22877, 22878	Pizza sauce_____	22932-22934
Corn sirup, dried_____	22879	Poppyseed, Dutch, Iranian, and	
Cottage cheese with cream		Polish_____	22937
added_____	22885	Potato preservative_____	22950
Cranberry beans_____	22901	Poultry. <i>See</i> Meat and poultry.	
Dairy products_____	22883-22885	Preservative, potato_____	22950
Donut mix_____	22937	Prunes_____	22892-22894
Dough, pie, stabilizer_____	22947	Raisins_____	22892, ¹ 22895-22898
Enchiladas, cheese_____	22946	Raspberries, black, canned_____	22891
Fennel seed_____	22936	Rice_____	22867, 22868
Fish and shellfish_____	22886-22888	wild_____	22869
Flavors. <i>See</i> Spices, flavors, and		Roe, fish, canned_____	22887
seasoning materials.		Rolls. <i>See</i> Bread and rolls.	
Flour _____	22855-22859	Sauce, pizza_____	22932-22934
Fruits and vegetables_____	¹ 22889-22915	Sesame seed_____	22938
fruit, canned_____	22889-22891	Shellfish. <i>See</i> Fish and shell-	
dried_____	¹ 22892-22898	fish.	
frozen_____	22899	Sirup, corn, dried_____	22879
tomatoes and tomato		Soup bases, beef_____	22943, 22944
products_____	¹ 22909-22915	celery_____	22945
vegetables_____	22900-22908	mushroom_____	22945
Gelatin_____	22947	Spaghetti. <i>See</i> Macaroni and	
Kippered snacks, canned_____	22886	noodle products.	
Lima beans_____	22903	Spices, flavors, and seasoning	
Loganberries, canned_____	22890	materials_____	22930-22940
Macaroni and noodle		Sprinklettes, coconut_____	22937
products_____	22860-22864	Spudsaver-X _____	22950
Meat and poultry_____	² 22916, 22917	Stabilizer, pie dough_____	22949
Mincemeat_____	22948	Strawberries, frozen_____	22899
Mix, Donut_____	22937	Sugar_____	22880, 22881
Multicibus tablets_____	22942	yellow cane_____	22882
Mushroom soup base_____	22945	Tomato(es), canned_____	¹ 22909-22912
Mustard bran_____	22930	juice_____	22913
Navy beans_____	22904	paste_____	22914
Noodles. <i>See</i> Macaroni and		puree_____	22915
noodle products.		Turmeric_____	22939
Nuts and nut products_____	22918-22930	Vanilla flavor, imitation_____	22940

¹ (22895, 22909) Injunction issued.² (22916) Prosecution contested.

	N. J. No.
Vegetables. <i>See</i> Fruits and vegetables.	
Vitamin, mineral, and other products of special dietary significance-----	22941-22945

	N. J. No.
Walnuts, shelled-----	22925-22927
unshelled-----	22920
Wheat cereal, toasted-----	22870

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.
Abilene Flour Mills Co.:	
flour-----	22859
Bachman Chocolate Mfg. Co.:	
candy-----	22877
Bakers Supply & Machinery Co.:	
Iranian poppyseed, Dutch poppyseed, Polish poppyseed, coconut Sprinklettes, and Donut mix-----	22937
Bay Food Products, Inc.:	
oysters-----	22888
Belmont Canning Co.:	
canned tomatoes-----	22910
Bishop, John W., Co., Inc.:	
flour-----	22857
Central California Packing Co.:	
raisins-----	22989
Central Warehouse Co.:	
shelled peanuts-----	22922
Chariton Wholesale Grocery:	
unshelled mixed nuts-----	22928
Clinton Chocolate Co.:	
cocoa-----	22875
Couchman, D. E.:	
butter-----	22883
Crofton Co-operative Creamery Co.:	
butter-----	22883
Darby Food Corp.:	
soup bases-----	22945
Drake, W. A., & Co.:	
flour-----	22855
Edgar, O. J.:	
cheese-----	22884
Farmington Mercantile Co.:	
dried fruit-----	22892
Fisch, Harold, and Joseph:	
canned tomato products-----	¹ 22909
Frable's Wholesale Grocery Co.:	
flour-----	22856
Freedman, Kenneth:	
bread and rolls-----	22852

	N. J. No.
Friedman Bros., Inc.:	
bread and rolls-----	22852
Gamble-Robinson Co.:	
unshelled brazil nuts, mixed nuts, and walnuts-----	22920
Gardiner, C. W.:	
cheese enchiladas-----	22946
Green Mountain Dairy Products, Inc.:	
cottage cheese with cream added-----	22885
Hicks Co.:	
wild rice-----	22869
Hoak, D. R. Jr.:	
raisins-----	¹ 22895
Italian Style Tomato Packers, Inc.:	
pizza sauce-----	22932-22934
tomato puree-----	22915
Kaplan & Zubrin:	
cherry peppers-----	22931
Karanikas & Sons:	
dressed poultry-----	² 22916
Kuenne's Bakery, Inc.:	
Bismarcks (bakery product)---	22851
Kunis Bakery. <i>See</i> Zelt, Samuel, and Zeltt, Abraham.	
Lorraine Trading Corp.:	
cocoa beans-----	22873
Lynn-Smith Co.:	
lima beans-----	22903
M & M Bakeries, Inc.:	
bread and rolls-----	22854
Maney, Paul Laboratories:	
Multicibus tablets-----	22942
Marketing Association of America:	
butter-----	22883
Miller Hygrade Ice Cream Co.:	
dried corn sirup-----	22879

¹ (22895, 22909) Injunction issued.² (22916) Prosecution contested.

	N. J. No.		N. J. No.
Mount Rose Canning Co.:		Schreiber, L. D. & Co., Inc.:	
canned tomatoes-----	22911	butter-----	22883
Nash-Underwood, Inc.:		Sisk, A. W., & Son:	
mustard bran and shelled pea-		canned tomatoes-----	22912
nuts-----	22930	Union Food Products Co.:	
New Castle Grocery Co.:		peanut butter-----	22929
peanut butter-----	22929	Varney Canning, Inc.:	
New York Model Bakery.		tomato juice-----	22913
See Friedman Bros., Inc.		West Coast Growers & Packers,	
Phyleen Candy Co.:		Inc.:	
shelled peanuts-----	22923	raisins -----	¹ 22895
Pilliod, E. F.:		White Coffee Corp.:	
peanut butter-----	22929	beef soup base-----	22943, 22944
Pittsburgh Chemical Laboratory:		Witwer Grocer Co.:	
Spudsaver-X-----	22950	pinto beans-----	22906
Pure Food Mfg. Co.:		Woodward & Dickerson:	
yellow cane sugar-----	22882	cocoa dust-----	22876
Pure Foods Corp.:		Worth Cheese Factory. See	
canned tomato products-----	¹ 22909	Edgar, O. J.	
Relco Specialties, Inc.:		XLNT Spanish Food Co., Inc.:	
pie dough stabilizer-----	22949	cheese enchiladas-----	22946
Riddle, R. D.:		Zelt, Samuel:	
Bismarcks (bakery product)---	22851	bread and rolls-----	22853
Scarlett, Wm. G., & Co.:		Zeltt, Abraham:	
sesame seed-----	22938	bread and rolls-----	22853

¹ (22895, 22909) Injunction issued.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

22951-23000

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings which were terminated with the entry of default or consent decrees of condemnation, and (2) criminal proceedings which were terminated upon pleas of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., November 6, 1956.

CONTENTS

	Page		Page
Cereals and cereal products.....	304	Fruits and vegetables—Continued	
Bakery products.....	304	Dried fruit.....	309
Flour.....	305	Frozen fruit.....	309
Miscellaneous cereals and cereal products.....	306	Vegetables.....	310
Fish and shellfish.....	307	Tomatoes and tomato products..	311
Fruits and vegetables.....	309	Meat and poultry.....	312
Canned fruit.....	309	Nuts.....	313
		Index.....	315

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 22951-23000**

Adulteration, Section 402 (a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403 (e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

22951. Bread and rolls. (F. D. C. No. 38151. S. Nos. 3-693/6 M.)

INFORMATION FILED: 11-17-55, Dist. Mass., against Andrew J. Puglise, manager of Tower Hill Bakery, Lawrence, Mass.

SHIPPED: Between 5-2-55 and 5-5-55, from Massachusetts to New Hampshire.

LABEL IN PART: (Pkg.) "Vienna Enriched Rolls [or "Golden Crust Italian Enriched Bread"] * * * Tower Hill Bakery Lawrence, Mass."

CHARGE: 402 (a) (3)—contained insect parts; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 1-9-56. \$100 fine.

22952. Bread. (F. D. C. No. 38538. S. Nos. 29-448/52 M.)

INFORMATION FILED: 10-28-55, S. Dist. N. Y., against Anthony J. Raneri, t/a Raneri's Bakery, Port Chester, N. Y.

SHIPPED: 8-3-55, from New York to Connecticut.

CHARGE: 402 (a) (3)—contained insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-5-56. \$200 fine.

22953. Bread, rolls, and raisin buns. (F. D. C. No. 37867. S. Nos. 2-599 M, 2-601/2 M.)

INFORMATION FILED: 7-14-55, Dist. Md., against Smith Bakeries, Inc., Taneytown, Md.

SHIPPED: 3-4-55 and 3-5-55, from Maryland to Virginia.

LABEL IN PART: (Wrapper) "Model Steam Bakery Taneytown, Md. Master Loaf Net Wt. One Pound" or "Baked By Model Steam Bakery Taneytown,

Md.”; (carton) “Smith’s Enriched Rolls from Model Steam Bakery Taneytown, Maryland.”

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-3-56. \$750 fine, plus costs.

22954. Ice cream cones. (F. D. C. No. 38827. S. No. 21-358 M.)

QUANTITY: 84 cases, 504 ice cream cones each, at Omaha, Nebr.

SHIPPED: 11-16-55, from Des Moines, Iowa, by Cream Cone Machine Co.

LABEL IN PART: “Coated Sugar Cones.”

LIBELED: 1-20-56, Dist. Nebr.

CHARGE: 402 (a) (3)—contained fly and other insect fragments, rodent hairs, cat hairs, and feather barbules; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-3-56. Consent—destruction.

22955. Frozen waffles. (F. D. C. No. 38838. S. No. 35-793 M.)

QUANTITY: 822 cases, 24 5-oz. pkgs. each, at Saginaw, Mich.

SHIPPED: 11-7-55, from Pitman, N. J., by Home Style Foods, Inc.

LIBELED: 2-3-56, E. Dist. Mich.; amended libel filed 4-2-56.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-7-56. Default—destruction.

22956. Frozen waffles. (F. D. C. No. 38817. S. No. 35-790 M.)

QUANTITY: 330 cases, 24 boxes each, at Detroit, Mich.

SHIPPED: 11-7-55, from Pitman, N. J., by Home Style Foods, Inc.

LABEL IN PART: (Box) “Home Style 6 Waffles (Quick Frozen) Net Weight 5 ozs.”

LIBELED: 1-16-56, E. Dist. Mich.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-6-56. Default—consumption by animals.

FLOUR

22957. Flour. (F. D. C. No. 38877. S. Nos. 25-800 M, 40-601 M.)

QUANTITY: 468 50-lb. bags at Cherokee, Iowa, in possession of United Wholesale Grocery Co.

SHIPPED: 9-20-55 and 11-29-55, from New Prague, Minn., and Omaha, Nebr.

LIBELED: 12-22-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-18-56. Consent—claimed by United Wholesale Grocery Co. Segregated, 3,950 lbs. denatured for use as animal feed.

22958. Flour. (F. D. C. No. 38893. S. No. 40-192 M.)

QUANTITY: 84 100-lb. bags at Chicago, Ill., in possession of Habel, Armbruster & Larsen Co.

SHIPPED: 11-11-55, from Minneapolis, Minn.

LIBELED: 1-3-56, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-3-56. Consent—claimed by Habel, Armbruster & Larsen Co. Segregated, 1,100 lbs. destroyed.

22959. Flour. (F. D. C. No. 38822. S. No. 40-412 M.)

QUANTITY: 77 50-lb. bags at St. Paul, Minn., in possession of Fairway Foods, Inc.

SHIPPED: 6-24-55 and 10-20-55, from Valley City, N. Dak.

LIBELED: 1-17-56, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-1-56. Default—destruction.

22960. Flour. (F. D. C. No. 38839. S. No. 30-831 M.)

QUANTITY: 47 bales, 2 25-lb. bags each, at Cincinnati, Ohio, in possession of Diehl Wholesale Grocery, Inc.

SHIPPED: 12-12-55, from Chicago, Ill.

LIBELED: 2-2-56, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained rodent excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-2-56. Consent—claimed by Diehl Wholesale Grocery, Inc. Segregated, 15 25-lb. bags denatured.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

22961. Rice. (F. D. C. No. 38866. S. Nos. 1-834/41 M.)

QUANTITY: 38 100-lb. bags, 267 25-lb. bags, and 1,300 10-lb. bags at Wilmington, N. C., in possession of Samuel Bear, Sr., & Sons.

SHIPPED: Between 1-21-55 and 9-28-55, from Mermentau, La., and Houston, Tex.

LIBELED: 12-29-55, E. Dist. N. C.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-26-56; amended 2-20-56. Consent—claimed by Samuel Bear, Sr., & Sons. Segregated, 8,200 lbs. denatured for use as animal feed.

22962. Rice. (F. D. C. No. 38852. S. Nos. 40-356/8 M.)

QUANTITY: 143 25-lb. bags and 117 100-lb. bags at Sioux Falls, S. Dak., in possession of Frank Transfer and Storage.

SHIPPED: 8-1-55 and 10-24-55, from Stuttgart, Ark.

LIBELED: 2-16-56, Dist. S. Dak.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-13-56. Consent—claimed by Producer's Rice Mill, Stuttgart, Ark. Segregated, 1,560 lbs. denatured for use as animal feed and 1,925 lbs. destroyed.

22963. Wheat. (F. D. C. No. 38807. S. No. 42-701 M.)

QUANTITY: 123,000 lbs. at Denver, Colo.

SHIPPED: 12-14-55, from Lorenzo, Nebr., by Farmers Union Coop. Association.

LIBELED: 12-30-55, Dist. Colo.

CHARGE: 402 (a) (3)—contained rodent excreta when shipped.

DISPOSITION: 1-6-56; amended 2-13-56. Consent—claimed by Rocky Mountain Grain & Commission Co., Denver, Colo. Converted to animal feed.

22964. Wheat. (F. D. C. No. 38844. S. No. 40-612 M.)

QUANTITY: 119,400 lbs. at Minneapolis, Minn.

SHIPPED: 1-18-56, from Absaraka, N. Dak., by J. K. Miller Elevator Co.

LIBELED: 2-7-56, Dist. Minn.

CHARGE: 402 (a) (2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, a mercurial compound, which is unsafe within the meaning of the law since no tolerance, or exemption from the requirement of a tolerance, for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 2-9-56. Consent—claimed by J. K. Miller, t/a J. K. Miller Elevator Co. Segregated, 12,680 lbs. destroyed.

22965. Wheat. (F. D. C. No. 38855. S. No. 41-469 M.)

QUANTITY: 108,000 lbs. at Buffalo, N. Y.

SHIPPED: 2-11-56, from Kidron, Ohio, by L. E. Sommer & Son.

LIBELED: 2-21-56, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rodent pellets when shipped.

DISPOSITION: 2-27-56. Consent—claimed by L. E. Sommer & Son. Converted to animal feed.

22966. Matzo cake meal. (F. D. C. No. 38914. S. No. 40-193 M.)

QUANTITY: 16 50-lb. sacks at Chicago, Ill., in possession of Douglas Food Corp.

SHIPPED: 12-6-55, from Jersey City, N. J.

LIBELED: 1-16-56, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained rodent excreta and rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-13-56. Default—destruction.

FISH AND SHELLFISH

22967. Frozen butterfish. (F. D. C. No. 38961. S. Nos. 48-306 M, 48-309 M.)

QUANTITY: 2,998 lbs. in 61 cartons at New York, N. Y.

SHIPPED: 7-28-55, from Portland, Maine.

LIBELED: 2-23-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 3-14-56. Default—destruction.

22968. Frozen butterfish. (F. D. C. No. 38900. S. No. 36-818 M.)

QUANTITY: 26 slabs weighing 671 lbs. at New York, N. Y.

SHIPPED: 10-6-55, from Gloucester, Mass.

LIBELED: 1-13-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 2-17-56. Default—destruction.

22969. Frozen chubs. (F. D. C. No. 38902. S. No. 48-301 M.)

QUANTITY: 220 lbs. in 3 cartons at New York, N. Y.

SHIPPED: 9-1-55 and 9-7-55, from South Haven and Escanaba, Mich.

LIBELED: 1-18-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 2-17-56. Default—destruction.

22970. Frozen swordfish. (F. D. C. No. 38934. S. No. 23-038 M.)

QUANTITY: 191 swordfish, weighing approximately 42,800 lbs., at Portland, Maine.

SHIPPED: Between 8-2-55 and 9-23-55, from Nova Scotia, by Lawrence Sweeney Fisheries, Ltd.

LIBELED: 2-3-56, Dist. Maine.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 2-21-56. Consent—claimed by Lawrence Sweeney Fisheries, Ltd. The fish were segregated, and 4 whole fish, plus rejections (consisting of trimmings, skins, belly cavities, etc., from 30 fish), were destroyed.

22971. Frozen whiting fillets. (F. D. C. No. 38804. S. No. 36-105 M.)

QUANTITY: 73 5-lb. cartons at Green Bay, Wis.

SHIPPED: 7-19-55, from Portland, Maine, by Portland Fish Co., Inc.

LABEL IN PART: (Carton) "State-O-Maine Brand Quick Frozen Sea Food Whiting Fillets."

LIBELED: 12-23-55, E. Dist. Wis.

CHARGE: 402 (a) (3)—contained decomposed fish when shipped.

DISPOSITION: 1-31-56. Default—destruction.

22972. Oysters. (F. D. C. No. 38848. S. No. 20-319 M.)

QUANTITY: 408 12-oz. cans at Ottumwa, Iowa.

SHIPPED: 2-6-56, from Baltimore, Md., by Chas. Neubert & Co.

LIBELED: 2-8-56, S. Dist. Iowa.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality when shipped.

DISPOSITION: 3-2-56. Default—destruction.

22973. Frozen deviled crabcakes. (F. D. C. No. 38871. S. No. 17-632 M.)

QUANTITY: 93 cases, 12 6-oz. boxes each, at Baltimore, Md.

SHIPPED: 10-19-55 and 11-15-55, from Pitman, N. J., by Home Style Foods, Inc.

LABEL IN PART: (Box) "Home Style Freshly Fried and Frozen * * * 4 Deviled Crab Cakes."

LIBELED: On or about 12-21-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-12-56. Default—destruction.

FRUITS AND VEGETABLES**CANNED FRUIT**

22974. Canned cherries. (F. D. C. No. 38108. S. No. 21-081 M.)

QUANTITY: 19 cases, 24 1-lb., 3-oz. cans each, at Kansas City, Mo.

SHIPPED: 9-16-54, from Lawrence, Mich.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: On or about 8-9-55, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 9-30-55. Default—destruction.

22975. Canned loganberries. (F. D. C. No. 38906. S. No. 25-012 M.)

QUANTITY: 21 cases, 6 6-lb., 7-oz. cans each, at Seattle, Wash.

SHIPPED: 12-3-52, from Salem, Oreg.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 1-12-56, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 3-9-56. Default—destruction.

DRIED FRUIT

22976. Raisins. (F. D. C. No. 38503. S. No. 17-595 M.)

QUANTITY: 39 30-lb. cartons at Baltimore, Md.

SHIPPED: 8-29-55, from Del Rey, Calif.

LIBELED: On or about 10-14-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-8-55. Default—destruction.

FROZEN FRUIT

22977. Frozen crushed grapes. (F. D. C. No. 38837. S. No. 40-007 M.)

QUANTITY: 457 375-lb. bbls. at Benton Harbor, Mich.

SHIPPED: Between 9-18-55 and 10-4-55, from La Porte, Ind., by Summit Grape Farm.

LABEL IN PART: "C-S Grapes 64 (or 66) Frozen."

RESULTS OF INVESTIGATION: Examination showed that the article contained insects and insect parts.

LIBELED: 2-1-56, W. Dist. Mich.

CHARGE: 402 (a) (3)—contained a filthy substance when shipped.

DISPOSITION: 3-15-56. Default—destruction.

22978. Frozen lemon puree. (F. D. C. No. 38937. S. No. 47-622 M.)

QUANTITY: 134 32-lb. cans at Jersey City, N. J.

SHIPPED: 7-21-55, from Los Angeles, Calif.

LIBELED: 2-6-56, Dist. N. J.

CHARGE: 402 (a) (3)—contained dirt, wood splinters, and paint chips.

DISPOSITION: 3-13-56. Default—destruction.

VEGETABLES

22979. Canned bamboo shoots. (F. D. C. No. 38899. S. No. 40-221 M.)

QUANTITY: 66 boxes, 6 5-lb. cans each, at Chicago, Ill.

SHIPPED: Between 7-6-55 and 8-15-55, from San Francisco, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 1-6-56, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 2-13-56. Default—destruction.

22980. Canned bamboo shoots. (F. D. C. No. 38925. S. No. 39-827 M.)

QUANTITY: 54 cases, 6 4½-lb. cans each, at Chicago, Ill.

SHIPPED: 10-17-55, from Archbold, Ohio, by La Choy Food Products.

LABEL IN PART: (Can) "Daimaru Brand * * * Japanese Bamboo Shoots Boiled * * * (Slice)."

LIBELED: 1-24-56, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 3-12-56. Default—destruction.

22981. Canned bamboo shoots. (F. D. C. No. 38819. S. No. 28-455 M.)

QUANTITY: 23 cases, 6 5-lb. cans each, at San Francisco, Calif.

SHIPPED: 12-5-51, from Hong Kong, China.

LIBELED: 1-19-56, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 2-14-56. Default—destruction.

22982. Soybeans and red beans. (F. D. C. No. 38979. S. Nos. 28-585/6 M.)

QUANTITY: 11 100-lb. bags of soybeans and 5 100-lb. bags of red beans at San Francisco, Calif., in possession of Pacific Trading Co. (Pacific Mutual Sales, Inc.).

SHIPPED: 6-29-55 and 9-10-55, from Yokohama, Japan, and Vernon, Tex.

LIBELED: 3-7-56, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-20-56. Default—destruction.

22983. Dried mushrooms. (F. D. C. No. 38875. S. No. 11-880 M.)

QUANTITY: 62 25-lb. cartons at New York, N. Y.

SHIPPED: 4-2-55, from Chile.

LIBELED: 1-10-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-21-56. Default—destruction.

22984. Dried sliced mushrooms. (F. D. C. No. 38777. S. No. 19-133 M.)

QUANTITY: 1 104-lb. case at Cleveland, Ohio.

SHIPPED: 10-18-55, from New York, N. Y., by M. A. Patton & Co., Inc.

LIBELED: 11-28-55, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs when shipped.

DISPOSITION: 1-31-56. Default—destruction.

22985. Frozen succotash and frozen cut green beans. (F. D. C. No. 38862. S. Nos. 32-741/2 M.)

QUANTITY: 17 cases, 24 10-oz. pkgs. each, of frozen succotash, and 9 cases, 24 9-oz. pkgs. each, of frozen cut green beans at Philadelphia, Pa.

SHIPPED: 7-11-55, from Pasco, Wash.

LIBELED: 12-16-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained sour beans while held for sale.

DISPOSITION: 1-23-56. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

22986. Canned tomatoes. (F. D. C. No. 38910. S. No. 23-463 M.)

QUANTITY: 997 cases, 24 1-lb. cans each, at Fitchburg, Mass.

SHIPPED: 11-25-55, from Federalsburg, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Preston Brand Tomatoes."

LIBELED: 1-13-56, Dist. Mass.

CHARGE: 402 (a) (3)—contained flies, spiders, beetles, fly eggs, and maggots; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-27-56. Default—destruction.

22987. Tomato puree and pizza sauce. (F. D. C. No. 38872. S. Nos. 23-356/7 M.)

QUANTITY: 17 cases, 24 1-lb., 12-oz. cans each, of pizza sauce, and 12 cases, 24 1-lb., 12-oz. cans each, of tomato puree at Quonset Point, R. I.

SHIPPED: 11-4-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "Bendin's Pizza Sauce" or "La Guardia Brand Tomato Puree."

LIBELED: 12-22-55, Dist. R. I.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-17-56. Default—destruction.

22988. Pizza sauce (3 seizure actions). (F. D. C. Nos. 38859, 38860, 38917. S. Nos. 37-238/9 M, 47-426 M.)

QUANTITY: 159 cases, 6 6-lb., 6-oz. cans each, at Clark Township, Clifton, and Lyndhurst, N. J.

SHIPPED: Between 9-7-55 and 9-19-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "Jonsco Brand Con Basilico [or "Lulu Brand Prepared"] Pizza Sauce."

LIBELED: On or about 12-21-55 and 1-20-56, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-1-56 and 3-2-56. Default—destruction.

22989. Tomato juice. (F. D. C. No. 38868. S. No. 20-226 M.)

QUANTITY: 190 cases, 12 1-qt., 14-oz. cans each, at Baltimore, Md.

SHIPPED: 10-26-55, from Christiana, Pa., by Chas. B. Silver & Son, Inc.

LABEL IN PART: (Can) "Red Cross Brand * * * Tomato Juice."

LIBELED: 12-19-55, Dist. Md.

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-10-56. Default—destruction.

MEAT AND POULTRY

22990. Frozen eviscerated rabbits. (F. D. C. No. 38936. S. No. 37-272 M.)

QUANTITY: 139 lbs. in 2 crates at New York, N. Y.

SHIPPED: 1-18-56, from Preston, Kans., by C. Hansen & Co.

LIBELED: 2-14-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rabbits contaminated with buckshot, fecal material, and other extraneous material when shipped.

DISPOSITION: 3-2-56. Default—destruction.

22991. Dressed poultry. (F. D. C. No. 35143. S. Nos. 38-328 L, 49-570 L.)

INFORMATION FILED: 8-25-53, Dist. N. J., against Vineland Live & Dressed Poultry Co., a partnership, Norma, N. J., and Jack Warren, plant manager.

SHIPPED: 1-22-52 and 5-11-53, from New Jersey to New York.

CHARGE: 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty by partnership to each of 2 counts of information and by Warren to count 1.

DISPOSITION: 2-19-54. Partnership—\$400 fine and probation for 2 years; Warren—\$100 fine.

22992. Dressed poultry. (F.D.C. No. 38869. S. Nos. 32-551 M, 32-553 M.)

QUANTITY: 1,492 lbs. in 21 crates and 17,619 lbs. in 219 crates at Philadelphia, Pa.

SHIPPED: 9-19-55, from Butler, Pa., by Butler Cooperative Egg Auction, Inc.

LABEL IN PART: (Crate) "Butler Cooperative Egg Auction, Inc. * * * Kind NYD Fowl [or " '(B)' NYD Fowl'"] 3-4 Dressed Poultry."

LIBELED: 12-20-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 1-16-56; amended 1-18-56. Consent—claimed by Butler Cooperative Egg Auction, Inc. Segregated, 923 lbs. destroyed.

22993. Dressed poultry. (F.D.C. No. 38727. S. No. 37-261 M.)

QUANTITY: 1,260 lbs. in 17 crates at New York, N. Y.

SHIPPED: 11-16-55, from Union, Maine, by Hillcrest Poultry Co.

LABEL IN PART: (Crate) "Maine's Best from Hillcrest."

LIBELED: 12-12-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and decomposed birds; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 1-13-56. Default—destruction.

22994. Dressed turkeys. (F.D.C. No. 38728. S. No. 37-262 M.)

QUANTITY: 827 lbs. in 12 crates at New York, N. Y.

SHIPPED: 11-20-55, from Lewes, Del., by Diamond State Poultry Co., Inc.

LIBELED: 12-12-55, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter; and
402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 1-13-56. Default—destruction.

22995. Chicken a la king. (F.D.C. No. 38730. S. No. 22-599 M.)

QUANTITY: 100 cases, 12 jars each, at Chicago, Ill.

SHIPPED: 8-22-55, from Kenosha, Wis., by Badger Fruit & Extract Co.

LABEL IN PART: (Jar) "Cloverblossom * * * Chicken Ala-King * * *
Net Wt. 11½ oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 12-2-55, N. Dist. Ill.

CHARGE: 403 (e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-5-56. Default—delivered to charitable institutions.

NUTS

22996. Cashew nuts. (F.D.C. No. 38712. S. No. 35-594 M.)

QUANTITY: 142 25-lb. cans at Chicago, Ill.

SHIPPED: 11-5-55, from Paterson, N. J., by Kelling Nut Co.

LABEL IN PART: (Can) "Cashew Kernels Produce of India * * * Butts."

LIBELED: 11-25-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 1-6-56. Default—destruction.

22997. Cashew nuts. (F. D. C. No. 38376. S. No. 25-784 M.)

QUANTITY: 16 25-lb. tins at St. Paul, Minn.

SHIPPED: 5-14-55, from New York, N. Y.

LIBELED: 10-20-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-infested and insect-damaged nuts while held for sale.

DISPOSITION: 2-8-56. Default—destruction.

22998. Canned water chestnuts. (F. D. C. No. 38826. S. No. 28-456 M.)

QUANTITY: 154 cases, 6 5-lb. cans each, at San Francisco, Calif.

SHIPPED: 10-15-53, from Hong Kong, China.

LIBELED: 1-23-56, N. Dist. Calif.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 2-14-56. Default—destruction.

22999. Shelled pecans. (F. D. C. No. 38832. S. No. 32-536 M.)

QUANTITY: 14 30-lb. cases at Hanover, Pa.

SHIPPED: During September 1954, from Albany, Ga.

LIBELED: 1-27-56, M. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects and insect parts while held for sale.

DISPOSITION: 2-29-56. Default—destruction.

23000. Shelled walnuts. (F. D. C. No. 38846. S. No. 40-355 M.)

QUANTITY: 10 25-lb. cartons at St. Paul, Minn.

SHIPPED: 12-9-55, from Canoga Park, Calif.

LIBELED: 2-8-56, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-infested and insect-damaged walnuts while held for sale.

DISPOSITION: 2-24-56. Consent—claimed by Fisher Nut Co., St. Paul, Minn. Segregated, 16 lbs. destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 22951 TO 23000

PRODUCTS

	N. J. No.		N. J. No.
Bakery products.....	22951-22956	Loganberries, canned.....	22975
Bamboo shoots, canned..	22979-22981	Matzo cake meal.....	22966
Beans, green, frozen.....	22985	Meat and poultry.....	22990-22995
red.....	22982	Mushrooms, dried.....	22983, 22984
Bread and rolls.....	22951-22953	Nuts.....	22996-23000
Buns, raisin.....	22953	Oysters.....	22972
Butterfish, frozen.....	22967, 22968	Pecans, shelled.....	22999
Cashew nuts.....	22996, 22997	Pizza sauce.....	22987, 22988
Cereals and cereal pro-		Poultry. <i>See</i> Meat and poultry.	
ducts.....	22951-22966	Rabbits, eviscerated, frozen.....	22990
Cherries, canned.....	22974	Raisin(s).....	22976
Chestnuts, water, canned.....	22998	buns.....	22953
Chicken a la king.....	22995	Rice.....	22961, 22962
Chubs, frozen.....	22969	Rolls. <i>See</i> Bread and rolls.	
Cones, ice cream.....	22954	Shellfish. <i>See</i> Fish and shellfish.	
Crabcakes, deviled, frozen.....	22973	Soybeans.....	22982
Fish and shellfish.....	22967-22973	Succotash, frozen.....	22985
Flour.....	22957-22960	Swordfish, frozen.....	22970
Fruits and vegetables....	22974-22989	Tomato(es), canned.....	22986
fruit, canned.....	22974, 22975	juice.....	22989
dried.....	22976	puree.....	22987
frozen.....	22977, 22978	Turkeys. <i>See</i> Meat and poultry.	
tomatoes and tomato pro-		Vegetables. <i>See</i> Fruits and veg-	
ducts.....	22986-22989	etables.	
vegetables.....	22979-22985	Waffles, frozen.....	22955, 22956
Grapes, crushed, frozen.....	22977	Walnuts, shelled.....	23000
Ice cream cones.....	22954	Wheat.....	22963-22965
Lemon puree, frozen.....	22978	Whiting fillets, frozen.....	22971

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

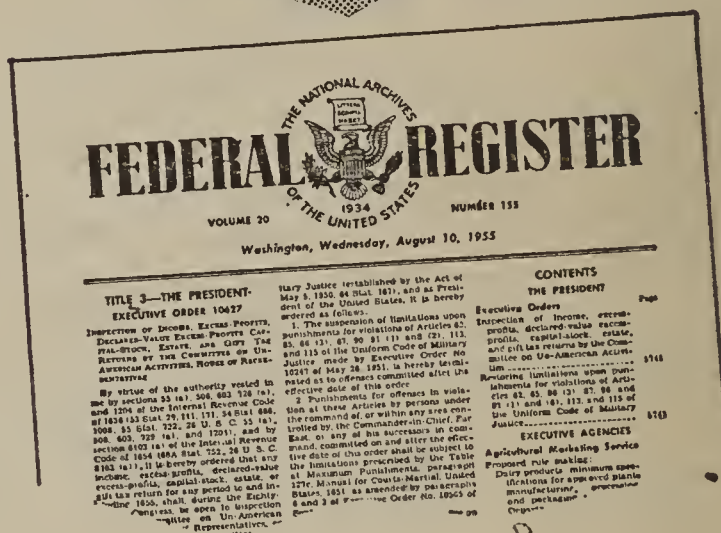
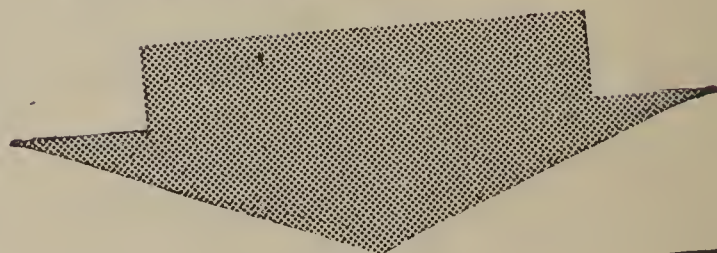
	N. J. No.		N. J. No.
Badger Fruit & Extract Co.:		Model Steam Bakery:	
chicken a la king-----	22995	bread, rolls, and raisin buns--	22953
Bear, Samuel, Sr., & Sons:		Neubert, Chas., & Co.:	
rice-----	22961	oysters-----	22972
Butler Cooperative Egg Auction,		Pacific Mutual Sales, Inc. <i>See</i>	
Inc.:		Pacific Trading Co.	
dressed poultry-----	22992	Pacific Trading Co.:	
Cream Cone Machine Co.:		soybeans and red beans-----	22982
ice cream cones-----	22954	Patton, M. A., & Co., Inc.:	
Diamond State Poultry Co., Inc.:		dried sliced mushrooms-----	22984
dressed turkeys-----	22994	Portland Fish Co., Inc.:	
Diehl Wholesale Grocery, Inc.:		frozen whiting fillets-----	22971
flour-----	22960	Puglise, A. J.:	
Douglas Food Corp.:		bread and rolls-----	22951
matzo cake meal-----	22966	Raneri, A. J.:	
Fairway Foods, Inc.:		bread-----	22952
flour-----	22959	Raneri's Bakery. <i>See</i> Raneri,	
Farmers Union Coop. Associa-		A. J.	
tion:		Silver, Chas. B., & Son, Inc.:	
wheat-----	22963	tomato juice-----	22989
Frank Transfer & Storage:		Sisk, Albert W., & Son:	
rice-----	22962	canned tomatoes-----	22986
Habel, Armbruster & Larsen Co.:		Smith Bakeries, Inc.:	
flour-----	22958	bread, rolls, and raisin buns--	22953
Hansen, C., & Co.:		Sommer, L. E., & Son:	
frozen eviscerated rabbits----	22990	wheat-----	22965
Hillcrest Poultry Co.:		Summit Grape Farm:	
dressed poultry-----	22993	frozen crushed grapes-----	22977
Home Style Foods, Inc.:		Sweeney, Lawrence, Fisheries,	
crabcakes, deviled, frozen----	22973	Ltd.:	
waffles, frozen-----	22955, 22956	frozen swordfish-----	22970
Italian Style Tomato Packers,		Tower Hill Bakery. <i>See</i> Puglise,	
Inc.:		A. J.	
pizza sauce-----	22987, 22988	United Wholesale Grocery Co.:	
tomato puree-----	22987	flour-----	22957
Kelling Nut Co.:		Vineland Live & Dressed Poultry	
cashew nuts-----	22996	Co.:	
La Choy Food Products:		dressed poultry-----	22991
canned bamboo shoots-----	22980	Warren, Jack:	
Miller, J. K., Elevator Co.:		dressed poultry-----	22991
wheat-----	22964		

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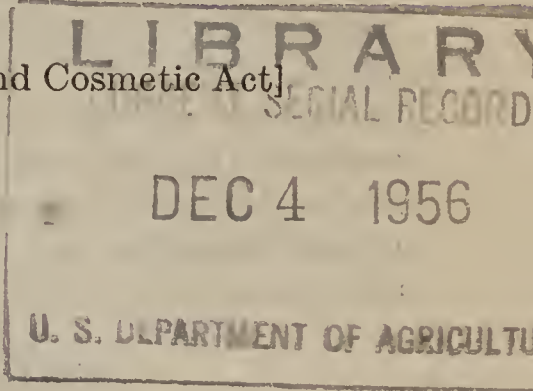
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

23001-23050

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings which were terminated with the entry of default or consent decrees of condemnation and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms or individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *November 9, 1956.*

CONTENTS

	Page		Page
Cereals and cereal products.....	2	Fish and shellfish.....	7
Flour.....	2	Fruits and vegetables.....	8
Macaroni and noodle products..	3	Canned fruit.....	8
Miscellaneous cereals.....	5	Vegetables and vegetable prod-	
Dairy products.....	6	ucts.....	8
Butter.....	6	Tomatoes and tomato products..	10
Cheese.....	6	Meat and poultry.....	11
Eggs.....	6	Index.....	12

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23001-23050**

Adulteration, Section 402 (a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

CEREALS AND CEREAL PRODUCTS

FLOUR

23001. Flour. (F. D. C. No. 38166. S. Nos. 86-857 L, 31-109 M.)

INFORMATION FILED: 11-14-55, E. Dist. Tenn., against Greeneville Milling Co., a partnership, Greeneville, Tenn., and L. Harold Lane, a partner.

SHIPPED: 8-24-54 and 6-28-55, from Tennessee to North Carolina.

LABEL IN PART: (Bag) "Enriched 25 Lbs. Net Silver Cloud [or "10 Lbs. Net Wt. Our Best"] Self-Rising Flour Greeneville Milling Company Greeneville, Tenn."

CHARGE: 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-6-56. Firm fined \$300 and individual \$200.

23002. Flour. (F. D. C. No. 38932. S. Nos. 27-836/7 M.)

QUANTITY: 97 25-lb. bags at Elkin, N. C., in possession of Moseley & Reece Wholesale Grocers.

SHIPPED: 3-24-55 and 6-22-55, from Buhler, Kans.

LIBELED: 1-27-56, M. Dist. N. C.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-29-56. Default—consumption by animals.

23003. Flour. (F. D. C. No. 38931. S. Nos. 27-834/5 M.)

QUANTITY: 70 50-lb. bags at Elkin, N. C., in possession of Brendle Cash Wholesale, Inc.

SHIPPED: Between 11-8-55 and 12-13-55, from Johnson City, Tenn.

LIBELED: 1-27-56, M. Dist. N. C.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 3-29-56. Default—consumption by animals.

23004. Flour. (F. D. C. No. 38762. S. No. 33-179 M.)

QUANTITY: 25 50-lb. bags at Pocatello, Idaho, in possession of Idaho Wholesale Grocery Co.

SHIPPED: 10-17-55, from Brigham City, Utah.

LIBELED: 11-17-55, Dist. Idaho.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-29-55. Default—destruction.

23005. Flour. (F. D. C. No. 38759. S. No. 42-389 M.)

QUANTITY: 9 100-lb. bags at Cheyenne, Wyo., in possession of Asher-Wyoming Co.

SHIPPED: 9-8-54, from Greeley, Colo.

LIBELED: 12-12-55, Dist. Wyo.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-24-56. Default—destruction.

23006. Flour. (F. D. C. No. 38776. S. No. 26-501 M.)

QUANTITY: 19 100-lb. bags at Wahpeton, N. Dak., in possession of Park Grant Co.

SHIPPED: 10-3-55, from Great Falls, Mont.

LIBELED: 11-23-55, Dist. N. Dak.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-5-56. Consent—destruction.

23007. Flour. (F. D. C. No. 38757. S. No. 33-176 M.)

QUANTITY: 56 50-lb. bags at Rock Springs, Wyo., in possession of Wyoming Distributing Co.

SHIPPED: 9-6-55, from Logan, Utah.

LIBELED: 11-16-55, Dist. Wyo.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-24-56. Default—destruction.

23008. Flour. (F. D. C. No. 38751. S. No. 31-239 M.)

QUANTITY: 68 100-lb. bags at Cincinnati, Ohio.

SHIPPED: 8-12-55 and 8-29-55, from Springfield, Ill.

LIBELED: 11-8-55, S. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-2-55. Default—consumption by animals.

MACARONI AND NOODLE PRODUCTS**23009. Elbow macaroni.** (F. D. C. No. 38760. S. No. 35-539 M.)

QUANTITY: 23 20-lb. cases at South Bend, Ind.

SHIPPED: 10-14-55, from Chicago, Ill., by Chicago Macaroni Co.

LABEL IN PART: "Contadina Brand Elbow-Mac. Group 1 * * * No 1 Semolina."

LIBELED: 11-23-55, N. Dist. Ind.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-5-56. Default—destruction.

23010. Egg noodles. (F. D. C. No. 38764. S. No. 21-228 M.)

QUANTITY: 19 cases, 12 10-oz. bags each, at Lawton, Okla.

SHIPPED: 10-19-55, from Wichita, Kans., by Macaroni Manufacturers, Inc. (American Macaroni Co.).

LABEL IN PART: (Bag) "Krinkly * * * Non-Skid Egg Noodles."

LIBELED: 11-16-55, W. Dist. Okla.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 1-5-56. Default—consumption by animals.

23011. Spaghetti and macaroni. (F. D. C. No. 38782. S. Nos. 40-338 M, 40-704 M.)

QUANTITY: 32 cases, 12 2-lb. pkgs. each, of spaghetti, and 7 cases, 12 2-lb. pkgs. each, of macaroni at Cedar Rapids, Iowa.

SHIPPED: Between 2-9-55 and 8-9-55, from Milwaukee, Wis.

LIBELED: 12-1-55, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-31-55. Default—consumption by animals.

23012. Macaroni and spaghetti products. (F. D. C. No. 38686. S. Nos. 32-057/60 M.)

QUANTITY: 95 20-lb. cases, and 15 cases, 20 1-lb. boxes each, at Wildwood, N. J.

SHIPPED: Between 7-22-55 and 9-14-55, from Lebanon, Pa.

LIBELED: On or about 11-17-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-16-55. Default—consumption by animals.

23013. Spaghetti. (F. D. C. No. 38472. S. Nos. 21-710/11.)

QUANTITY: 39 50-lb. cartons at Vineland, N. J.

SHIPPED: 9-1-55, from Philadelphia, Pa., by Philadelphia Macaroni Co., Inc.

LIBELED: 10-3-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 11-4-55. Default—consumption by animals.

23014. Spaghetti products. (F. D. C. No. 38458. S. Nos. 32-765/6 M.)

QUANTITY: 26 20-lb. cartons at Wilmington, Del.

SHIPPED: 8-15-55 and 8-24-55, from Philadelphia, Pa., by Philadelphia Macaroni Co., Inc.

LABEL IN PART: "Golden Rod * * * Spaghetтини" and "Knighthood * * * Spaghetti."

LIBELED: 9-20-55, Dist. Del.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-21-55. Default—destruction.

23015. Spaghetti products. (F. D. C. No. 38692. S. Nos. 26-235/6 M.)

QUANTITY: 58 20-lb. cases and 142 45-lb. cases at Grimes, Iowa, in possession of Beaver Valley Canning Co.

SHIPPED: 12-1-53 and 6-24-55, from St. Louis, Mo.

LIBELED: 11-14-55, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained rodent excreta and insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 1-13-56. Default—consumption by animals.

MISCELLANEOUS CEREALS

23016. Unpopped popcorn. (F. D. C. No. 38733. S. No. 23-451 M.)

QUANTITY: 220 50-lb. bags at Charlestown, Mass.

SHIPPED: 6-15-54, from Watseka, Ill.

LIBELED: 12-5-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-20-56. Consent—claimed by National Theatre Supply Division of National Simplex Bludworth, Inc., Boston, Mass. Converted to animal feed.

23017. Unpopped popcorn. (F. D. C. No. 38724. S. No. 23-134 M.)

QUANTITY: 43 100-lb. bags at Boston, Mass.

SHIPPED: 8-31-55, from Schaller, Iowa.

LIBELED: 11-30-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-16-56. Default—consumption by animals.

23018. Unpopped popcorn. (F. D. C. No. 38784. S. No. 3-797 M.)

QUANTITY: 29 cases, 12 2-lb. bags each, at Elmira, N. Y.

SHIPPED: 10-1-54, from St. Louis, Mo.

LIBELED: 12-1-55, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale

DISPOSITION: 1-12-56. Default—destruction.

23019. Rice. (F. D. C. No. 38459. S. No. 22-797 M.)

QUANTITY: 32 100-lb. bags at Lawrence, Mass.

SHIPPED: 4-16-54 and 12-2-54, from New Orleans, La.

LIBELED: 9-21-55, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-7-55. Default—consumption by animals.

23020. Rice. (F. D. C. No. 38704. S. No. 20-141 M.)

QUANTITY: 20 100-lb. bags at Clarksburg, W. Va.

SHIPPED: 9-8-54, from Memphis, Tenn.

LIBELED: 11-23-55, N. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insects and insect parts while held for sale.

DISPOSITION: 1-5-56. Default—consumption by animals.

23021. Rice. (F. D. C. No. 38705. S. No. 20-140 M.)

QUANTITY: 10 100-lb. bags at Buckhannon, W. Va.

SHIPPED: 9-8-54, from Memphis, Tenn.

LIBELED: 11-29-55, N. Dist. W. Va.

CHARGE: 402 (a) (3)—contained insects and insect parts while held for sale.

DISPOSITION: 1-30-56. Default—consumption by animals.

DAIRY PRODUCTS

BUTTER

23022. Butter. (F. D. C. No. 35905. S. No. 37-894 M.)

QUANTITY: 39 cases, 32 1-lb. prints each, and 107 1-lb. prints at Buffalo, N. Y.

SHIPPED: 12-7-55, from Chicago, Ill., by Equity Union Creamery.

LABEL IN PART: (Print) "Packed for Independent Grocers Alliance Distributing Co. Chicago New York San Francisco Seattle * * * Royal Gold Creamery Butter" or "Moo-Cow Brand Farm Style Roll Butter * * * Packed for New Era Grocers Ass'n Buffalo, N. Y."

LIBELED: 3-14-56, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed substance and was made from decomposed cream.

DISPOSITION: 4-12-56. Default—destruction.

CHEESE

23023. Cheese. (F. D. C. No. 38840. S. No. 26-515 M.)

QUANTITY: 12 20-lb. cartons and 1 8-lb. carton at Webster City, Iowa.

SHIPPED: 1-10-56 and 1-12-56, from Rib Lake, Wis., by Rib Lake Cheese Co.

LABEL IN PART: (Carton) "Wisconsin Sharp Club Cheddar Cheese * * * Bakers Special."

LIBELED: 2-1-56, N. Dist. Iowa.

CHARGE: 402 (a) (3)—contained decomposed cheese when shipped.

DISPOSITION: 3-2-56. Default—destruction.

EGGS

23024. Frozen eggs. (F. D. C. No. 38812. S. No. 22-050 M.)

QUANTITY: 525 30-lb. cans at Buffalo, N. Y.

SHIPPED: 5-3-55, from Sheboygan, Wis., by Sheboygan Produce Co.

LIBELED: 1-9-56, W. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 1-24-56. Consent—claimed by Sheboygan Produce Co. Segregated, 119 30-lb. cans destroyed.

23025. Frozen eggs. (F. D. C. No. 38701. S. No. 31-897 M.)

QUANTITY: 39 30-lb. cans at Philadelphia, Pa.

SHIPPED: 8-26-55, from Webster, S. Dak., by Powers Produce Co.

LIBELED: 11-17-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 1-9-56. Default—destruction.

FISH AND SHELLFISH

23026. Smoked fish. (F. D. C. No. 38517. S. Nos. 32-673/8 M.)

INFORMATION FILED: On or about 1-30-56, E. Dist. Pa., against Belovsky & Granoff, a partnership, Philadelphia, Pa., and Jacob Sklaroff, a partner in the partnership.

SHIPPED: Between 9-21-55 and 9-23-55, from Pennsylvania to New Jersey.

CHARGE: 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 4-2-56. Partnership—\$300 fine and Sklaroff—\$6 fine.

23027. Frozen red snappers. (F. D. C. No. 38981. S. No. 48-313 M.)

QUANTITY: 781 lbs. in 8 boxes at Monmouth Beach, N. J.

SHIPPED: 12-30-55, from New York, N. Y.

LIBELED: 3-8-56, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 4-23-56. Default—destruction.

23028. Frozen red snappers. (F. D. C. No. 38982. S. No. 48-317 M.)

QUANTITY: 732 lbs. in 8 cartons at Monmouth Beach, N. J.

SHIPPED: 11-18-55, from New York, N. Y.

LIBELED: 3-8-56, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 4-23-56. Default—destruction.

23029. Lobster meat. (F. D. C. No. 38790. S. Nos. 9-295 M, 9-644 M.)

QUANTITY: 33 40-lb. cases at Los Angeles, Calif.

SHIPPED: 9-2-55, from Jacksonville, Fla., by Florida Fish Distributors.

LABEL IN PART: "Rock Lobsters Product of Jamaica Tail Meat."

LIBELED: 12-13-55, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 1-10-56. Default—destruction.

23030. Frozen lobster meat. (F. D. C. No. 38765. S. No. 19-314 M.)

QUANTITY: 203 cases, 6 4-lb. cans each, at Cleveland, Ohio.

SHIPPED: In January 1950, from Gloucester, Mass.

LIBELED: 11-18-55, N. Dist. Ohio.

CHARGE: 402 (a) (3)—the article was unfit for food by reason of its being deteriorated while held for sale.

DISPOSITION: 12-21-55. Default—destruction.

23031. Oysters. (F. D. C. No. 38487. S. No. 17-456 M.)

QUANTITY: 64 cans at Spartanburg, S. C.

SHIPPED: 10-4-55, from Baltimore, Md., by Wentworth & Co.

LABEL IN PART: (Can) "Oysters 205 Selects Contents One Pint Wentworth Oysters * * * MD 45."

LIBELED: 10-12-55, W. Dist. S. C.

CHARGE: 402 (b) (2)—water had been substituted in part for oysters when shipped; and 402 (b) (4)—water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: 11-19-55. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

23032. Canned cherries. (F. D. C. No. 39094. S. No. 25-938 M.)

QUANTITY: 45 cases, 6 6-lb., 10-oz. cans each, at Des Moines, Iowa.

SHIPPED: 2-16-56, from Alameda, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 3-23-56, S. Dist. Iowa.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 4-30-56. Default—destruction.

23033. Canned plums. (F. D. C. Nos. 39028, 39029. S. Nos. 23-870 M, 23-878 M.)

QUANTITY: 109 cases, 6 6-lb., 10-oz. cans each, at Phoenix, Ariz.

SHIPPED: 2-6-56, from Provo, Utah, by Intermountain Food Co., Inc.

LABEL IN PART: (Can) "Mellhorn Brand Rocky Mountain Whole Unpeeled Purple Plums."

LIBELED: 4-10-56, Dist. Ariz.

CHARGE: 402 (a) (3)—contained fly eggs and decomposed plums; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 7-2-56. Default—destruction.

23034. Canned black raspberries. (F. D. C. No. 39058. S. No. 36-434 M.)

QUANTITY: 67 cases, 24 15-oz. cans each, at Chicago, Ill.

SHIPPED: 3-6-56, from St. Joseph, Mich., by Dwan's Home Canning Co.

LABEL IN PART: (Can) "Dwan's Black Raspberries In Heavy Syrup."

LIBELED: 5-2-56, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained decomposed berries when shipped.

DISPOSITION: 6-4-56. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

23035. Canned diced beets. (F. D. C. No. 38799. S. No. 37-572 M.)

QUANTITY: 80 cases, 48 8¼-oz. cans each, at Pittsburgh, Pa.

SHIPPED: 7-9-54, from Chicago, Ill., by Western Food Corp.

LABEL IN PART: (Can) "Kuner's Diced Red Beets."

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 12-20-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 1-4-56. Default—consumption by animals.

23036. Lettuce. (F. D. C. No. 38896. S. Nos. 23-787 M, 37-340 M.)

QUANTITY: 642 crates, 24 heads each, at Bronx, N. Y.

SHIPPED: 12-19-55, from El Centro, Calif., by Great A & P Tea Co.

LABEL IN PART: (Crate) "Super Chief Brand Selected Vegetables * * *
B. E. Day Packing Co. Main Office Salinas, California."

LIBELED: 1-3-56, S. Dist. N. Y.

CHARGE: 402 (a) (2)—the article was a raw agricultural commodity and contained when shipped a pesticide chemical, Endrin, which is unsafe within the meaning of the law since no tolerance, or exemption from the requirement of a tolerance, for such pesticide chemical on lettuce has been prescribed by regulations.

DISPOSITION: 1-12-56. Default—destruction.

23037. Olives. (F. D. C. No. 38679. S. No. 32-778 M.)

QUANTITY: 5 cases, 4 1-gal. jars each, at Philadelphia, Pa.

SHIPPED: 7-15-55 and 10-5-55, from Brooklyn, N. Y., by La Manna, Azema & Farnan.

LABEL IN PART: (Jar) "Herald Brand Pitted Martini Olives Contents 1 Gallon."

LIBELED: 11-10-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained flies and fly parts; and 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-8-55. Default—destruction.

23038. Canned peas. (F. D. C. No. 38763. S. No. 16-474 M.)

QUANTITY: 150 cases, 48 8½-oz. cans each, at Portland, Oreg.

SHIPPED: 9-7-55 and 10-13-55, from Walla Walla, Wash., by Walla Walla Canning Co.

LABEL IN PART: (Can) "My-Te-Fine Tender Sweet Peas Fancy 3 Sieve."

LIBELED: 11-21-55, Dist. Oreg.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 3-22-56. Default—destruction.

23039. Pickles. (F. D. C. No. 38774. S. No. 38-540 M.)

QUANTITY: 23 cases, 4 1-gal. jars each, at Decatur, Ill.

SHIPPED: 10-26-55, from St. Louis, Mo., by St. Louis Vinegar & Cider Co.

LABEL IN PART: (Jar) "Grand Prize Brand Sugar Cured Sweet Chips."

LIBELED: 11-23-55, S. Dist. Ill.

CHARGE: 402 (a) (3)—contained flies, fly parts, other insects, and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 1-6-56. Default—destruction.

23040. Canned pumpkin. (F. D. C. No. 38798. S. No. 19-765 M.)

QUANTITY: 285 cases, 24 1-lb., 13-oz. cans each, at Louisville, Ky.

SHIPPED: 10-25-55 and 10-26-55, from Brownstown, Ind., by Morgan Packing Co., Inc.

LABEL IN PART: (Can) "A & P vine-ripened pumpkin."

LIBELED: 12-19-55, W. Dist. Ky.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 3-2-56. Default—destruction.

23041. Canned sauerkraut. (F. D. C. No. 38843. S. No. 26-086 M.)

QUANTITY: 102 cases, 6 6-lb., 3-oz. cans each, at St. Paul, Minn.

SHIPPED: 8-13-55, from Lodi, Wis.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 2-4-56, Dist. Minn.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 4-5-56. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

23042. Canned tomatoes. (F. D. C. No. 38711. S. No. 32-482 M.)

QUANTITY: 42 cases, 6 No. 10 cans each, at Maple Shade, N. J.

SHIPPED: 8-8-55, from Snow Hill, Md., by Snow Hill Canning Co.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: On or about 11-28-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 1-9-56. Default—destruction.

23043. Canned tomatoes. (F. D. C. No. 38803. S. No. 20-954 M.)

QUANTITY: 7 cases, 24 1-lb., 3-oz. cans each, at Pittsburg, Kans.

SHIPPED: 4-27-55, from Fullerton, Calif., by Hunt Foods, Inc.

LABEL IN PART: (Can) "Hunt's Stewed Tomatoes."

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 12-28-55, Dist. Kans.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 2-3-56. Default—destruction.

23044. Tomato catsup. (F. D. C. No. 38922. S. No. 32-498 M.)

QUANTITY: 75 cases, 6 7-lb. cans each, at Trenton, N. J.

SHIPPED: 10-10-55, from Bristol, Pa., by Delaware Valley Packing Co.

LABEL IN PART: (Can) "Penn's Manor Tomato Catsup."

LIBELED: 1-25-56, Dist. N. J.

CHARGE: 402 (a) (3)—contained fly eggs and maggots; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-27-56. Default—destruction.

23045. Pizza sauce. (F. D. C. No. 38715. S. No. 32-506 M.)

QUANTITY: 11 cases, 6 6-lb., 10-oz. cans each, at Philadelphia, Pa.

SHIPPED: 10-31-55, from Williamstown, N. J., by Violet Packing Co.

LABEL IN PART: (Can) "Violet Brand Pizza Sauce."

LIBELED: 11-23-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-19-56. Default—destruction.

23046. Pizza sauce. (F. D. C. No. 38892. S. No. 32-755 M.)

QUANTITY: 9 cases, 6 No. 10 cans each, at Philadelphia, Pa.

SHIPPED: 10-29-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "Jiffy Brand Special Formula Prepared Pizza Sauce."

LIBELED: 1-5-56, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material when shipped.

DISPOSITION: 2-8-56. Default—destruction.

MEAT AND POULTRY

23047. Eviscerated rabbits. (F. D. C. No. 38940. S. Nos. 37-268/70 M.)

QUANTITY: 1,680 lbs. in 28 crates, 6,600 lbs. in 94 crates, and 3,600 lbs. in 51 crates at Bronx, N. Y.

SHIPPED: 11-11-55 and 1-6-56, from Preston, Kans., by G. W. Hansen.

LIBELED: 2-14-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rabbits contaminated with buckshot, fecal material, and other extraneous material and decomposed rabbits when shipped.

DISPOSITION: 3-23-56. Default—destruction.

23048. Dressed poultry. (F. D. C. No. 38865. S. No. 17-123 M.)

QUANTITY: 1,120 lbs. in 15 crates at Washington, D. C.

SHIPPED: 6-7-55, from Bishop, Md., by Paul Feig.

LABEL IN PART: (Crate) "Acme Brand Fresh Killed Ice Packed Poultry Fresh Dressed Extra Fancy New York Dressed Maryland Poultry Acme Poultry Corp., Berlin, Maryland."

LIBELED: 12-15-55, Dist. Columbia.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter, decomposed birds, and extensively bruised birds when shipped.

DISPOSITION: 1-17-56. Default—consumption by animals.

23049. Dressed turkeys. (F. D. C. No. 38901. S. No. 37-265 M.)

QUANTITY: 863 lbs. in 13 crates at Bronx, N. Y.

SHIPPED: 12-19-55, from Edinburg, Va., by Blue Ridge Poultry & Egg Co., Inc.

LIBELED: 1-16-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal material; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 2-17-56. Default—destruction.

23050. Frozen turkeys. (F. D. C. No. 38786. S. No. 9-698 M.)

QUANTITY: 143 60-lb. crates at Los Angeles, Calif.

SHIPPED: 9-26-55, from Provo, Utah, by Chicken Products Co.

LABEL IN PART: (Some crates) "Utah Turkey * * * Eviscerated Turkey."

LIBELED: 12-8-55, S. Dist. Calif.

CHARGE: 402 (a) (3)—contained dirty birds, birds contaminated with fecal matter, extensively bruised birds, and improperly bled birds; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 2-8-56. Consent—claimed by A. W. McCoy, Sr., Provo, Utah. Segregated, 4,737 lbs. delivered to a rendering company.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 23001 TO 23050

PRODUCTS

	N. J. No.		N. J. No.
Beets, diced, canned.....	23035	Noodles. <i>See</i> Macaroni and	
Butter.....	23022	noodle products.	
Cereals and cereal products....	23001-	Olives.....	23037
	23021	Oysters.....	23031
Cheese.....	23023	Peas, canned.....	23038
Cherries, canned.....	23032	Pickles, sweet.....	23039
Dairy products.....	23022, 23023	Pizza sauce.....	23045, 23046
Eggs, frozen.....	23024, 23025	Plums, canned.....	23033
Fish and shellfish.....	23026-23031	Popcorn, unpopped.....	23016-23018
Flour.....	23001-23008	Poultry. <i>See</i> Meat and poultry.	
Fruits and vegetables....	23032-23046	Pumpkin, canned.....	23040
fruit, canned.....	23032-23034	Rabbits, eviscerated.....	23047
tomatoes and tomato prod-		Raspberries, black, canned....	23034
ucts.....	23042-23046	Rice.....	23019-23021
vegetables and vegetable prod-		Sauerkraut, canned.....	23041
ucts.....	23035-23041	Snappers, red, frozen....	23027, 23028
Lettuce.....	23036	Spaghetti. <i>See</i> Macaroni and	
Lobster meat.....	23029	noodle products.	
frozen.....	23030	Tomato(es), canned.....	23042, 23043
Macaroni and noodle products..	23009-	catsup.....	23044
	23015	Turkeys. <i>See</i> Meat and poultry.	
Meat and poultry.....	23047-23050		

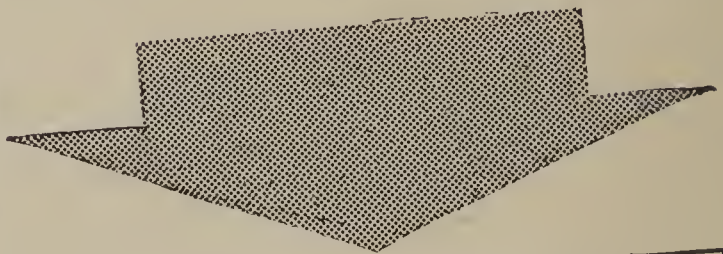
SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
A & P, Great, Tea Co.:		Intermountain Food Co., Inc.:	
lettuce-----	23036	canned plums-----	23033
Acme Poultry Corp.:		Italian Style Tomato Packers,	
dressed poultry-----	23048	Inc.:	
American Macaroni Co. <i>See</i>		pizza sauce-----	23046
Macaroni Manufacturers,		La Manna, Azema & Farnan:	
Inc.		olives-----	23037
Asher-Wyoming Co.:		Lane, L. H.:	
flour-----	23005	flour-----	23001
Beaver Valley Canning Co.:		Macaroni Manufacturers, Inc.:	
spaghetti products-----	23015	egg noodles-----	23010
Belovsky & Granoff:		Morgan Packing Co., Inc.:	
smoked fish-----	23026	canned pumpkin-----	23040
Blue Ridge Poultry & Egg Co.,		Moseley & Reece Wholesale	
Inc.:		Grocers:	
dressed turkeys-----	23049	flour-----	23002
Brendle Cash Wholesale, Inc.:		New Era Grocers Association:	
flour-----	23003	butter-----	23022
Chicago Macaroni Co.:		Park Grant Co.:	
elbow macaroni-----	23009	flour-----	23006
Chicken Products Co.:		Philadelphia Macaroni Co., Inc.:	
frozen turkeys-----	23050	spaghetti products-----	23013, 23014
Day, B. E., Packing Co.:		Powers Produce Co.:	
lettuce-----	23036	frozen eggs-----	23025
Delaware Valley Packing Co.:		Rib Lake Cheese Co.:	
tomato catsup-----	23044	cheese-----	23023
Dwan's Home Canning Co.:		St. Louis Vinegar & Cider Co.:	
canned black raspberries-----	23034	pickles-----	23039
Equity Union Creamery:		Sheboygan Produce Co.:	
butter-----	23022	frozen eggs-----	23024
Feig, Paul:		Sklaroff, Jacob:	
dressed poultry-----	23048	smoked fish-----	23026
Florida Fish Distributors:		Snow Hill Canning Co.:	
lobster meat-----	23029	canned tomatoes-----	23042
Greeneville Milling Co.:		Violet Packing Co.:	
flour-----	23001	pizza sauce-----	23045
Hansen, G. W.:		Walla Walla Canning Co.:	
eviscerated rabbits-----	23047	canned peas-----	23038
Hunt Foods, Inc.:		Wentworth & Co.:	
canned tomatoes-----	23043	oysters-----	23031
Idaho Wholesale Grocery Co.:		Western Food Corp.:	
flour-----	23004	canned diced beets-----	23035
Independent Grocers Alliance		Wyoming Distributing Co.:	
Distributing Co.:		flour-----	23007
butter-----	23022		

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3274

U. S. Department of Health, Education, and Welfare

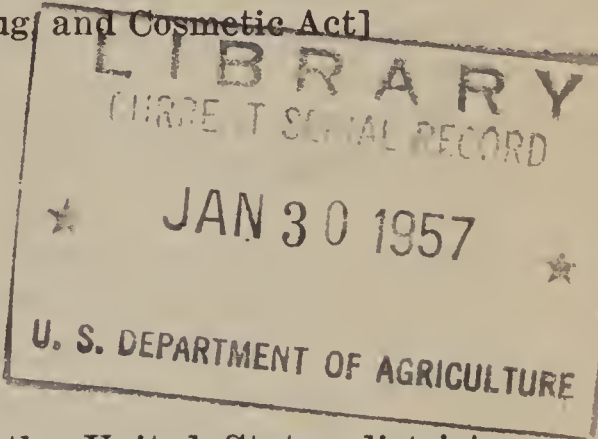
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug and Cosmetic Act]

23051-23100

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings which were terminated with the entry of decrees of condemnation after default or consent; (2) criminal proceedings which were terminated upon pleas of guilty and a verdict of not guilty; (3) injunction proceedings terminated with the entry of an injunction; and (4) contempt proceedings for violation of an injunction which were dismissed. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal, injunction, and contempt proceedings are against the *firms or individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 26, 1956.*

CONTENTS

	Page		Page
Cereals and cereal products.....	16	Nuts and nut products.....	26
Flour.....	16	Poultry.....	27
Macaroni and noodle products..	18	Spices, flavors, and seasoning ma-	
Miscellaneous cereals.....	19	terials.....	28
Fruits and vegetables.....	20	Vitamin, mineral, and other prod-	
Canned fruit.....	20	ucts of special dietary signifi-	
Dried fruit.....	20	cance.....	30
Vegetables.....	21	Index.....	32
Tomatoes and tomato products..	21		

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23051-23100**

Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

FLOUR

23051. Flour. (F. D. C. No. 38356. S. No. 20-806 M.)

QUANTITY: 87 50-lb. bags at Ardmore, Okla.

SHIPPED: 9-6-55, from Arkansas City, Kans.

LIBELED: 10-6-55, E. Dist. Okla.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: Tyler & Simpson Co., Ardmore, Okla., claimant, filed an exception to the sufficiency of the libel on the ground that it failed to state a claim upon which relief could be granted. Thereafter, the Government filed a motion for summary judgment on the ground that there existed no genuine issue as to any material fact. Subsequently, the claimant withdrew its exception to the libel, and the court, on 4-5-56, entered a decree condemning the article and ordering its destruction.

23052. Flour. (F. D. C. No. 38851. S. No. 42-754 M.)

QUANTITY: 76 50-lb. bags at El Paso, Tex., in possession of Safeway Stores, Inc.

SHIPPED: Between 11-15-55 and 12-6-55, from Enid, Okla.

LIBELED: 2-15-56, W. Dist. Tex.

CHARGE: 402 (a) (3)—contained animal urine and animal excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 4-2-56. Default—consumption by animals.

23053. Flour and rice. (F. D. C. No. 38385. S. Nos. 20-634/5 M.)

QUANTITY: 157 50-lb. bags of flour and 4 cases, 12 3-lb. pkgs. each, of rice at Manhattan, Kans.

SHIPPED: The rice was shipped from Houston, Tex., more than 1 year preceding the filing of the libel, and the flour, on 9-15-55, from Omaha, Nebr.

LIBELED: 10-27-55, Dist. Kans.

CHARGE: 402 (a) (3)—both lots contained insects, and the flour contained rodent excreta and rodent urine while held for sale.

DISPOSITION: 1-30-56. Consent—claimed by Western Grocer, a division of Consolidated Foods Corp., Manhattan, Kans. Converted to animal feed.

23054. Flour and rice. (F. D. C. No. 38696. S. Nos. 33-177/8 M.)

QUANTITY: 17 100-lb. bags of rice and 29 50-lb. bags of flour at Idaho Falls, Idaho, in possession of John Scowcroft & Sons Co.

SHIPPED: 10-7-55 and 10-12-55, from Ogden and Brigham City, Utah.

LIBELED: 11-17-55, Dist. Idaho.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-29-55. Default—consumption by animals.

23055. Flour, shelled pecans, and sesame seed. (F. D. C. No. 38485. S. Nos. 37-531/4 M.)

QUANTITY: 41 100-lb. bags of flour, 2 30-lb. cartons of shelled pecans, and 1 100-lb. bag of sesame seed at Johnstown, Pa.

SHIPPED: Between 12-1-54 and 5-25-55, from Winona, Minn., Leavenworth, Kans., Buffalo, N. Y., San Antonio, Tex., and New York, N. Y.

LIBELED: 10-11-55, W. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-22-55. Default—destruction.

23056. Flour, pinon nuts, and popcorn. (F. D. C. No. 38681. S. Nos. 33-171/3 M.)

QUANTITY: 5 100-lb. bags and 31 50-lb. bags of flour, 3 cases, 24 4-oz. pkgs. each, and 13 cases, 24 8-oz. pkgs. each, of pinon nuts, and 43 2-lb. jars of popcorn at Rawlins, Wyo., in possession of Wyoming Wholesale Distributors, Inc.

SHIPPED: Between 11-11-54 and 10-20-55, from Ogden, Utah, and Denver, Colo.

LIBELED: 11-16-55, Dist. Wyo.

CHARGE: 402 (a) (3)—the flour contained rodent urine, the pinon nuts contained rodent excreta and rodent-gnawed nuts, and the popcorn contained insects and insect parts while held for sale; and 402 (a) (4)—the flour and pinon nuts were held under insanitary conditions.

DISPOSITION: 1-24-56. Default—destruction.

23057. Flour and seedless raisins. (F. D. C. No. 38666. S. Nos. 32-808/9 M.)

QUANTITY: 61 100-lb. bags of flour and 5 30-lb. boxes of seedless raisins at Shenandoah, Pa., in possession of Louis Aranoff & Sons.

SHIPPED: The flour was shipped on 6-27-55 from Atchison, Kans., and the raisins were shipped on an unknown date from San Francisco, Calif.

LIBELED: 11-2-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-19-55. Default—destruction.

23058. Flour and egg noodles. (F. D. C. No. 38540. S. Nos. 30-219/20 M, 30-225 M.)

INFORMATION FILED: 11-7-55, E. Dist. Ill., against Alvin H. Burns, t/a Burns Wholesale Grocery Co., Sparta, Ill.

ALLEGED VIOLATION: Between 2-11-55 and 7-11-55, while quantities of flour and egg noodles were being held for sale after shipment in interstate commerce, the defendant caused the articles to be placed in a building that was accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

CHARGE: 402 (a) (3)—contained beetles and larvae; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-23-56. \$300 fine, plus costs.

MACARONI AND NOODLE PRODUCTS*

23059. Macaroni product. (F. D. C. No. 38856. S. No. 21-314 M.)

QUANTITY: 23 cases, 24 16-oz. bags each, at Cushing, Okla.

SHIPPED: Between 9-8-55 and 1-12-56, from Wichita, Kans.

LIBELED: 2-21-56, W. Dist. Okla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 4-13-56. Default—destruction.

23060. Egg noodles. (F. D. C. No. 38381. S. No. 26-881 M.)

QUANTITY: 29 cases, 24 pkgs. each, at San Antonio, Tex.

SHIPPED: 9-13-55, from St. Louis, Mo., by V. Viviano & Bros. Macaroni Mfg. Co., Inc.

LABEL IN PART: (Pkg.) "Net Wt. 8 Oz. Viviano * * * Enriched Dumplings Pure Egg Noodle."

LIBELED: 10-26-55, W. Dist. Tex.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 1-31-56. Default—destruction.

23061. Egg noodles, bread sticks, egg alphabets or egg barley, and mostaccioli. (F. D. C. No. 38870. S. Nos. 19-140 M, 19-168/9 M, 34-926 M, 34-928 M.)

QUANTITY: 5 cases, 12 12-oz. pkgs. each, of egg noodles; 15 cases, 24 3½ oz. pkgs. each, and 3 cases, 24 18-oz. pkgs. each, of bread sticks; 26 cases, 12 8-oz. boxes each, of egg alphabets or egg barley; and 12 20-lb. cartons of mostaccioli at Cleveland, Ohio.

SHIPPED: Between 6-29-53 and 6-14-55, from Carnegie, Pa.

LIBELED: 12-21-55, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-26-56. Default—destruction.

*See also Nos. 23058, 23069.

23062. Egg noodles, spaghetti, macaroni product, and canned sweetpotatoes.

(F. D. C. Nos. 38660/1. S. Nos. 7-859/62 M, 7-874/5 M, 7-877/8 M.)

QUANTITY: 27 cases, 12 10-oz. pkgs. each, of egg noodles; 2 cases, 12 16-oz. pkgs. each, of a macaroni product; 16 cases, 12 16-oz bags each, 13 cases, 12 25-oz. bags each, and 7 10-lb. cases of spaghetti; and 18 cases, 24 1-lb., 7-oz. cans each, of sweetpotatoes, at Lawton, Okla.

SHIPPED: Between 3-3-55 and 9-5-55, from outside the State of Oklahoma.

LIBELED: 11-3-55, W. Dist. Okla.

CHARGE: 402 (a) (3)—the canned sweetpotatoes contained a decomposed substance and the other articles contained insects while held for sale.

DISPOSITION: 1-5-56. Default—consumption by animals.

23063. Vermicelli and egg noodles. (F. D. C. No. 38749. S. Nos. 38-322/3 M.)

QUANTITY: 18 cartons, 20 1-lb. pkgs. each, of vermicelli, and 25 cartons, 12 12-oz. pkgs. each, of egg noodles at Carbondale, Ill.

SHIPPED: 10-11-55, from St. Louis, Mo., by Ravarino & Freschi, Inc.

LABEL IN PART: (Pkg.) "Long R-F Vermicelli * * * No. 1 Semolina Macaroni Product" or "R-F Pure Egg Noodles."

LIBELED: 11-7-55, E. Dist. Ill.

CHARGE: 402 (a) (3)—contained insect parts and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-22-55. Default—destruction.

MISCELLANEOUS CEREALS*

23064. Unpopped popcorn. (F. D. C. No. 37824. S. No. 56-286 L.)

INFORMATION FILED: 4-26-55, E. Dist. Mich., against Hart & Howell Co., a corporation, Brooklyn, Mich., and Holden D. Horning, secretary and general manager, and G. Harry Jacox, factory and field manager.

SHIPPED: 9-7-54, from Michigan to Indiana.

LABEL IN PART: (Can) "Plee-zing Pop Corn Net Weight 10-oz. Hulless White Variety The Hart & Howell Company Brooklyn, Mich."

CHARGE: 402 (a) (3)—contained insects, insect fragments, rodent excreta, and rodent hairs; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-13-56. Corporation fined \$500 and each individual \$100.

23065. Unpopped popcorn. (F. D. C. No. 38691. S. No. 16-934 M.)

QUANTITY: 49 100-lb. bags at Richmond, Va., in possession of M. L. Burton Warehouse Co.

SHIPPED: 8-25-55, from Watseka, Ill.

LIBELED: 11-15-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained rodent excreta and insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 2-8-56. Default—destruction.

*See also Nos. 23053, 23054, 23056, 23069, 23079, 23091.

23066. Rice. (F. D. C. No. 38689. S. No. 35-751 M.)

QUANTITY: 30 100-lb. bags at Chicago, Ill.

SHIPPED: 2-22-55, from De Witt, Ark.

LIBELED: 11-15-55, N. Dist. Ill.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 1-5-56. Default—destruction.

23067. Rice. (F. D. C. No. 38814. S. Nos. 34-936/7 M.)

QUANTITY: 20 25-lb. bags at Cleveland, Ohio.

SHIPPED: 9-27-55 and 11-11-55, from Port Stuttgart and De Witt, Ark.

LIBELED: 1-16-56, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained rodent urine while held for sale.

DISPOSITION: 2-10-56. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

23068. Canned applesauce. (F. D. C. No. 38972. S. No. 23-275 M.)

QUANTITY: 202 cases, 24 1-lb. cans each, at Boston, Mass.

SHIPPED: 1-16-56, from North Rose, N. Y., by B. Richardson Canning Co.

LABEL IN PART: (Can) "Matchless Brand * * * Apple Sauce."

LIBELED: 2-29-56, Dist. Mass.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and
402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 6-25-56. Default—destruction.

DRIED FRUIT*

23069. Dried figs, unpopped popcorn, egg noodles, and macaroni. (F. D. C. No. 38444. S. Nos. 7-100 M, 32-842/8 M.)

QUANTITY: 3 cartons, 36 6-oz. pkgs. each, of dried figs; 262 1-lb. pkgs. and
81 2-lb. pkgs. of unpopped popcorn; 6 10-lb. cartons of macaroni; and 10 10-
lb. cartons, 9 cartons, 24 10-oz. pkgs. each, and 28 cartons, 12 14-oz. pkgs.
each, of egg noodles at Plainview, Tex.

SHIPPED: Between 9-16-54 and 8-4-55, from Fresno, Calif., Cedar Rapids,
Iowa, and Omaha, Nebr.

LIBELED: 9-17-55, N. Dist. Tex.

CHARGE: 402 (a) (3)—contained insects while held for sale:

DISPOSITION: 1-5-56. Default—destruction.

23070. Raisins. (F. D. C. No. 36889. S. No. 79-789 L.)

QUANTITY: 799 30-lb. cases at Brooklyn, N. Y.

SHIPPED: 5-21-54, from Del Rey, Calif., by Enoch Packing Co., Inc.

LABEL IN PART: (Case) "Airport Brand Select Thompson Seedless Raisins."

LIBELED: 7-21-54, E. Dist. N. Y.

*See also No. 23057.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 9-7-54. Consent—claimed by Enoch Packing Co., Inc. Converted to distillery stock.

VEGETABLES*

23071. Canned corn. (F. D. C. No. 38850. S. Nos. 24-930 M, 24-937 M.)

QUANTITY: 135 cases, 6 6-lb., 10-oz. cans each, at Yakima, Wash.

SHIPPED: 12-21-55 and 1-12-56, from Salem, Oreg., by Western Oregon Packing Corp.

LABEL IN PART: (Can) "Lin-Ton Brand Whole Kernel Golden Sweet Corn."

LIBELED: 2-14-56, E. Dist. Wash.

CHARGE: 402 (a) (3)—contained decomposed substance when shipped.

DISPOSITION: 4-3-56. Default—destruction.

23072. Canned corn. (F. D. C. No. 38805. S. Nos. 38-150 M, 38-334/6 M.)

QUANTITY: 69 cases, 48 8-oz. cans each, and 322 cases, 24 1-lb. cans each, at Mexico, Mo.

SHIPPED: Between 8-25-55 and 11-23-55, from Milford, Ill., by Milford Canning Co.

LABEL IN PART: (Can) "Iga * * * Cream Style White Sweet Corn," "Iga * * * Cream Style Country Gentleman White Corn," and "Iga * * * Cream Style Golden Sweet Corn."

LIBELED: 12-23-55, E. Dist. Mo.

CHARGE: 402 (a) (3)—contained worms and worm fragments when shipped.

DISPOSITION: 4-24-56. Default—destruction.

23073. Green olives in brine. (F. D. C. No. 38952. S. No. 28-551 M.)

QUANTITY: 73 275-lb. bbls. at San Juan, P. R.

SHIPPED: 1-18-56, from Woodlake, Calif., by Woodlake Ranch, Inc.

LIBELED: 2-14-56, Dist. P. R.

CHARGE: 402 (a) (3)—contained insects and insect parts when shipped.

DISPOSITION: 4-12-56. Consent—claimed by Woodlake Ranch, Inc. The olives were reconditioned by removal from the barrels and washing and repacking them into clean containers with new brine.

TOMATOES AND TOMATO PRODUCTS

23074. Canned tomato products. (Inj. No. 240.)

COMPLAINT FOR INJUNCTION FILED: 12-28-51, S. Dist. Ind., against Virgil Etchison of Atlanta, Ind., t/a New Palestine Canning Co., at New Palestine, Ind.

CHARGE: The complaint alleged that the defendant was engaged in the preparation, packing, holding, and interstate distribution of canned tomato products and had been and was, at the time of filing the complaint, introducing and causing to be introduced into interstate commerce such articles which were adulterated within the meaning of 402 (a) (3) and (4) by reason of

*See also No. 23062.

the presence in the articles of fly eggs, maggots, and decomposed tomato material, and by reason of their being prepared, packed, and held under insanitary conditions at the defendant's New Palestine plant. It was alleged further that the insanitary conditions resulted from and consisted of the presence of house flies and fruit flies in and around the places in the plant where the articles were prepared, packed, and held, and in and around the machinery, equipment, and raw materials used in preparing, packing, and holding the articles, and also from fly-infested equipment and general carelessness on the part of the defendant. In addition, it was alleged that the defendant had on hand at his plant large stocks of adulterated canned tomato products which constituted a menace to interstate commerce.

The complaint alleged further that the defendant was well aware that his activities were in violation of the law; that he had previously been convicted for shipping in interstate commerce canned tomato products adulterated within the meaning of 402 (a) (3) and (4); that, at the time of filing the complaint, there was pending a criminal action against the defendant for the interstate shipment of decomposed tomato juice adulterated within the meaning of 402 (a) (3); that the defendant's canned tomato products had been seized and condemned on several occasions because of adulteration within the meaning of 402 (a) (3) and (4); and that numerous inspections had been made by inspectors of the Food and Drug Administration, during which the insanitary conditions existing were brought to the attention of the defendant and his employees. The complaint alleged further, on information and belief, that the defendant would continue to introduce and deliver for introduction into interstate commerce adulterated canned tomato products unless restrained by the court.

DISPOSITION: On 1-10-52, a temporary restraining order was issued. Thereafter, on 1-16-52, the defendant filed an answer denying the material allegations of the complaint. The complaint subsequently was amended to include a charge of adulteration within the meaning of 402 (b) (2) in that water had been added to the articles. The case came on for trial on 1-24-52. The trial was concluded on 1-29-52, and on 3-12-52, the court handed down the following findings of fact and conclusions of law:

STECKLER, *District Judge*: "The above entitled cause came on regularly for trial, and the Court, having duly considered the pleadings, exhibits, and testimony of the plaintiff and defendant taken in open court, and the arguments and statements of counsel, and being fully advised in the premises, now finds the following:

FINDINGS OF FACT

"1. The defendant, Virgil Etchison, owns and operates three canning plants under the names New Palestine Canning Company, Omega Canning Company, and Morgantown Canning Company located respectively, at New Palestine, Indiana; Omega, Indiana; and Morgantown, Indiana; where he has been and is engaged in the business of canning tomatoes and tomato juice and introducing such foods into interstate commerce.

"2. The New Palestine Canning Company plant annually disposes of a considerable portion of its canned tomatoes and tomato juice in the channels of interstate commerce.

"3. The unsorted stock of tomatoes used by the New Palestine Canning Company in its 1951 canning operations contained large numbers of decomposed and partly decomposed tomatoes.

"4. The unsorted stock of tomatoes used by the New Palestine Canning Company in its 1951 canning operations was infested with drosophila flies, fly eggs and larvae.

"5. The defendant, by failing to take proper sanitary precautions, including the installation of adequate screening of the plant and privy appurtenant thereto, permitted the New Palestine Canning Company plant to become infested with scavenger flies.

"6. The washing, peeling, trimming, and sorting operations in the New Palestine Canning Company plant in 1951 were not adequate to remove all drosophila and scavenger fly eggs and larvae from the tomatoes used in the 1951 pack.

"7. An insufficient number of sorters and trimmers were used at the New Palestine Canning Company plant in 1951 adequately to remove from the poor quality of raw tomato stock all the decomposed and partly decomposed tomatoes from the 'juice' line and as a result much decomposed tomato material went into the tomato juice.

"8. The tomato juice used in the New Palestine Canning Company plant in 1951 as a packing medium for canned tomatoes contained substantial amounts of decomposed tomato material.

"9. The tomato juice canned in the New Palestine Canning Company plant in 1951 contained substantial amounts of decomposed tomato material.

"10. Representative samples were taken by the Government from the stock of canned tomatoes and canned tomato juice packed by the New Palestine Canning Company in 1951, the unshipped portion of which was and now is located in the defendant's warehouse in New Palestine, Indiana.

"11. Objective examinations of these samples by qualified Government analysts, employing well-recognized and accepted methods, disclosed that the canned tomatoes and canned tomato juice contained fly eggs, fly larvae, and mold.

"12. Examinations of the samples of canned tomato juice taken from the stock processed at the New Palestine Canning Company plant in 1951 and now located at the warehouse of the defendant in New Palestine, Indiana, revealed that cans bearing at least one particular code number had been diluted approximately 50 percent with water.

"13. The New Palestine Canning Company plant was inspected by Federal and Indiana Food and Drug Inspectors in 1949 and 1951 at which times the plant manager's attention was directed to the very poor condition of the raw stock, the insanitary conditions of the factory, and the inadequate washing, cleaning and sorting operations.

"14. Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act a number of seizures in 1949 and 1950 of tomato products shipped by the defendant were made based on allegations that such products consisted in part of filth or decomposed tomato material.

"15. No answers were filed in said seizure proceedings and the articles involved were destroyed upon a showing by the Government that they violated provisions of the Federal Food, Drug, and Cosmetic Act.

"16. In the last two years the defendant has appeared before this Court on two occasions, charged with violating provisions of the Federal Food, Drug, and Cosmetic Act by reason of having introduced into interstate commerce from the New Palestine Canning Company and the Omega Canning Company plants adulterated tomato products.

"17. The defendant, after pleading guilty on the first above occasion and nolo contendere on the second, was fined by this Court.

"18. Unless restrained by the Court, the defendant will introduce or cause to be introduced into interstate commerce canned tomatoes and canned tomato juice consisting in part of filthy and decomposed substances.

CONCLUSIONS OF LAW

"From the foregoing facts, the Court concludes:

"1. This Court has jurisdiction of the subject matter hereof and the parties hereto under 21 U. S. C. 332 (a).

"2. The canned tomatoes and canned tomato juice processed in the plant of the New Palestine Canning Company in 1951 were adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act in that said articles of food consisted in part of a filthy substance by reason of the presence therein of fly eggs and fly larvae, and of a decomposed substance by reason of the presence therein of decomposed tomato material (21 U. S. C. 342 (a) (3)).

"3. The canned tomatoes and canned tomato juice processed in the New Palestine Canning Company plant in 1951 were further adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act in that they were prepared and packed under insanitary conditions whereby they might have become contaminated with filth (21 U. S. C. 342 (a) (4)).

"4. Canned tomato juice bearing at least one particular code number, processed in 1951 in the plant of the New Palestine Canning Company was adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act in that water was substituted in part for tomato juice (21 U. S. C. 342 (b) (2)).

"5. The canned tomatoes and canned tomato juice processed in 1951 in the plant of the New Palestine Canning Company and now stored in the defendant's warehouse in New Palestine, Indiana, are adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act and, therefore, do not constitute legal articles of interstate commerce.

"6. Despite warnings from Federal and Indiana Food and Drug Inspectors resulting from observations of faulty factory operations and notwithstanding seizures of interstate shipments of the defendant's canned tomato products and criminal proceedings against him brought in this Court based on such shipments, the defendants, in 1951, and for several years past caused the introduction or delivery for introduction into interstate commerce of adulterated canned tomatoes and canned tomato juice and will continue to do so unless restrained by this Court.

"7. A large part of the adulterated canned tomato products prepared and packaged by the defendant in 1951 in his New Palestine Canning Company plant has already been shipped in interstate commerce and the remainder of such pack which is now stored in the defendant's warehouse in New Palestine, Indiana, will apparently also be shipped in interstate commerce unless this Court restrains such action.

"8. Plaintiff's prayer for a permanent injunction should be granted restraining the defendant, Virgil Etchison, from causing the introduction or delivery for introduction into interstate commerce of canned tomato products, heretofore packed at his New Palestine, Indiana, plant, which are adulterated within the meaning of Section 402 (a) (3) and (4) and 402 (b) (2) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 342 (a) (3) and (4) and 342 (b) (2)).

"9. Plaintiff is entitled to all costs properly taxable against the defendant, Virgil Etchison."

On the same date, an order was entered permanently enjoining and restraining the defendant from introducing or delivering for introduction into interstate commerce the canned tomato products produced in the year 1951, and on hand at the defendant's New Palestine plant. The order provided also that the defendant should maintain and keep accurate and complete records and accounts showing the amount, location, and disposition of the 1951 pack, which records were to be available to the officers of the court and inspectors of the Food and Drug Administration.

Subsequently, the Government filed a motion to alter or amend the judgment to include an order permanently enjoining the defendant from introducing or delivering for introduction into interstate commerce all canned tomato products adulterated within the meaning of 402 (a) (3) and (4) and 402 (b) (2). This motion was overruled by the court on 6-24-52. Thereafter, the defendant filed a motion to modify and dissolve the injunction, which was denied on 9-14-53.

Subsequently, the Government instituted a criminal contempt action against the defendant, charging that he violated the injunction decree of 3-12-52, by refusing to furnish information concerning the distribution of the New Palestine 1951 pack of tomato products. On 5-13-54, the matter came on for hearing before the court, and after consideration of the evidence and arguments of counsel, the court ordered that the contempt action be dismissed.

23075. Canned tomatoes. (F. D. C. No. 38876. S. No. 36-712 M.)

QUANTITY: 250 cases, 24 1-lb. cans each, at New York, N. Y.

SHIPPED: 11-29-55, from Federalsburg, Md., by Wright Brothers.

LABEL IN PART: (Can) "Much-more Brand * * * Tomatoes."

LIBELED: 1-13-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained fly eggs and maggots; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 2-17-56. Default—destruction.

23076. Canned crushed tomatoes. (F. D. C. No. 38754. S. No. 21-900 M.)

QUANTITY: 598 cases, 6 6-lb., 6-oz. cans each, at Ithaca, N. Y.

SHIPPED: 10-3-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "La Guardia's Sal-Sa-Pomo Brand * * * Crushed Plum Italian Style And Round, Peeled Tomatoes."

LIBELED: 11-15-55, N. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-4-56. Default—destruction.

23077. Canned tomato puree and canned crushed tomatoes. (F. D. C. No. 38800. S. Nos. 37-720/1 M.)

QUANTITY: 13 cases, 6 6-lb., 6-oz. cans each, of tomato puree, and 18 cases, 6 6-lb., 6-oz. cans each, of crushed tomatoes at Syracuse, N. Y.

SHIPPED: 8-31-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

LABEL IN PART: (Can) "White Horse Brand Fancy Quality Tomato Puree" or "La Guardia's Sal-Sa-Pomo Brand Crushed Plum Italian Style And Round, Peeled Tomatoes."

LIBELED: 12-21-55, N. Dist. N. Y.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-25-56. Default—destruction.

23078. Tomato catsup, tomato puree, and tomato juice (4 seizure actions).
(F. D. C. Nos. 34168, 34429, 34431, 34613. S. Nos. 44-510 L, 44-830 L, 44-997 L, 45-000/3 L.)

QUANTITY: 199 cases, 24 14-oz. btls. each, of tomato catsup at Brockton, Mass.; 280 cases, 6 No. 10 unlabeled cans each, of tomato puree at Charlestown, Mass.; 59 cases, 24 14-oz. btls. each, of tomato catsup, 56 cases, 6 6-lb., 8-oz. cans each, of tomato puree, and 43 cases, 6 3-qt. cans each, of tomato juice at Boston, Mass.; and 263 cases, 24 14-oz. btls. each, of tomato catsup at Hartford, Conn.

SHIPPED: Between 10-17-52 and 11-4-52, from Albion and Barre Center, N. Y., by Orleans County Canning Co.

LABEL IN PART: (Btl.) "Dale Brand Tomato Catsup," "Carver Tomato Catsup," or "Oak Hill * * * Food Products Tomato Catsup"; (can) "Stuart Tomato Puree" or "Carver Tomato Juice."

LIBELED: 11-21-52 and 12-12-52 (2 libels filed) Dist. Mass. and 1-16-53, Dist. Conn.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: Wallace W. Dale and Austin J. Dale, partners, t/a Orleans County Canning Co., Albion, N. Y., appeared as claimant in all four cases and filed answers denying that the products were adulterated as alleged. Thereafter, the Government served interrogatories upon the claimant in each of the cases, which interrogatories were answered.

On 3-9-54, pursuant to stipulation of the parties, the United States District Court for the District of Massachusetts entered an order consolidating the cases and removing them for trial in the United States District Court for the Northern District of New York. Thereafter, the claimant served interrogatories upon the Government which were answered. Subsequently, the claimant withdrew its answers and consented to the entry of a decree in each of the four cases. On 3-7-56, the court entered orders condemning the products and ordering that they be destroyed.

23079. Tomato catsup and rice. (F. D. C. No. 38484. S. Nos. 32-958/9 M.)

QUANTITY: 8 cases, 6 7-lb., 3-oz. cans each, of tomato catsup, and 8 25-lb. bags of rice at Denver, Colo., in possession of Westman Commission Co.

SHIPPED: 1-7-54 and 8-16-55, from Sacramento, Calif., and Stuttgart, Ark.

LIBELED: 10-17-55, Dist. Colo.

CHARGE: 402 (a) (3)—the rice contained rodent urine and the catsup contained a decomposed substance while held for sale; and 402 (a) (4)—the rice was held under insanitary conditions.

DISPOSITION: 12-8-55. Default—the catsup was destroyed, and the rice was disposed of for use as hog feed.

NUTS AND NUT PRODUCTS*

23080. Shelled pecans. (F. D. C. No. 38828. S. No. 30-374 M.)

QUANTITY: 3 30-lb. cartons at Memphis, Tenn.

SHIPPED: 12-5-55, from West Memphis, Ark., by Delta Pecan Co.

LIBELED: 1-27-56, W. Dist. Tenn.

CHARGE: 402 (a) (3)—contained *E. coli*; and 402 (a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-29-56. Default—consumption by animals.

23081. Shelled walnuts. (F. D. C. No. 38792. S. No. 40-339 M.)

QUANTITY: 38 25-lb. cartons at Minneapolis, Minn.

SHIPPED: 11-14-55, from Canoga Park, Calif., by Valley Shelling Co.

LABEL IN PART: (Carton) "Leo's Brand California Shelled Walnuts Standard Ambers."

LIBELED: 12-13-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-damaged walnuts and moldy walnuts when shipped.

DISPOSITION: 1-9-56. Consent—claimed by Leo Freistat, t/a Valley Shelling Co. Segregated, 54 lbs. converted to animal feed.

23082. Shelled walnuts. (F. D. C. No. 38818. S. No. 40-608 M.)

QUANTITY: 35 25-lb. cases at Minneapolis, Minn.

*See also Nos. 23055, 23056, 23091.

SHIPPED: Prior to 12-15-55, from Canoga Park, Calif., by Valley Shelling Co.

LABEL IN PART: (Case) "Leo's Brand * * * California Shelled Walnuts Standard Ambers."

LIBELED: 1-13-56, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-damaged walnuts and moldy walnuts when shipped.

DISPOSITION: 2-9-56. Consent—claimed by Leo Freistat, t/a Valley Shelling Co. Segregated, 74 lbs. destroyed.

23083. Shelled walnuts. (F. D. C. No. 38809. S. No. 26-663 M.)

QUANTITY: 12 55-lb. boxes and 1 20-lb. box at Minneapolis, Minn.

SHIPPED: 12-14-55, from New York, N. Y., by J. F. Braun & Sons.

LABEL IN PART: "White Bear Superior Walnuts Light Halves M. B. 1069 No. 33 New York Produce of Iran."

LIBELED: 1-6-56, Dist. Minn.

CHARGE: 402 (a) (3)—contained insect-infested and insect-damaged walnuts when shipped.

DISPOSITION: 2-17-56. Consent—claimed by J. F. Braun & Sons. Segregated, 97 lbs. denatured.

23084. Walnut dust. (F. D. C. No. 38682. S. No. 32-197 M.)

QUANTITY: 1 144-lb. drum at Trenton, N. J.

SHIPPED: 10-3-55, from Philadelphia, Pa., by Penn Syrup Corp.

LABEL IN PART: (Drum) "0166 Mallinckrodt Sodium Benzoate USP Flakes Caution for manufacturing processing or repacking Mallinckrodt Chemical Works New York St. Louis Montreal * * * Net 100."

LIBELED: 11-15-55, Dist. N. J.

CHARGE: 402 (a) (3)—contained insects, insect parts, and rodent hairs when shipped; 403(a)—the label designation "Sodium Benzoate USP Flakes" was false and misleading as applied to the article, which was finely chopped walnuts; and 403 (e) (1) and (2)—the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents.

DISPOSITION: 12-22-55. Default—destruction.

POULTRY

23085. Dressed poultry. (F. D. C. No. 38534. S. No. 11-876 M.)

INDICTMENT RETURNED: 11-10-55, Dist. Vt., against Vermont Poultry Outlet, Inc., South Royalton, Vt., Philip Kratky, president, and Ned H. Pettengill, treasurer.

SHIPPED: 6-14-55, from Vermont to New York.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter and crop material; and 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 11-28-55. Corporation fined \$500 and each individual \$100.

23086. Dressed poultry. (F. D. C. No. 37248. S. No. 84-448 L.)

INFORMATION FILED: 2-9-55, Dist. Md., against Caroline Poultry Farms, Inc., Federalsburg, Md.

SHIPPED: 2-8-54, from Maryland to Pennsylvania.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal material and decomposed chickens; and 402 (a) (5)—contained diseased birds when shipped.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury on 3-6-56. On 3-8-56, the court returned a verdict of not guilty.

23087. Dressed poultry. (F. D. C. No. 38918. S. No. 37-267 M.)

QUANTITY: 852 lbs. in 11 crates at New York, N. Y.

SHIPPED: 12-21-54, from Londonderry, N. H., by Arcidy Poultry Co., Inc.

LIBELED: 1-25-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 2-27-56. Default—destruction.

23088. Dressed poultry. (F. D. C. No. 38886. S. No. 37-264 M.)

QUANTITY: 245 lbs. in 3 crates at New York, N. Y.

SHIPPED: 12-14-55, from Londonderry, N. H., by Arcidy Poultry Co., Inc.

LABEL IN PART: (Crate) "Arcidy Poultry Co., Inc. Londonderry N. H. B. Fwl [or "B Fowle"]."

LIBELED: 1-10-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained birds contaminated with fecal matter; and 402 (a) (5)—contained diseased birds when shipped.

DISPOSITION: 2-17-56. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS*

23089. Ground basil. (F. D. C. No. 38905. S. No. 29-439 M.)

QUANTITY: 304 lbs. in 5 bags at New York, N. Y.

SHIPPED: 1-18-51, from St. Louis, Mo.

LIBELED: 1-13-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 2-17-56. Default—destruction.

23090. Peppers. (F. D. C. No. 38706. S. Nos. 37-225/6 M.)

QUANTITY: 311 cases, 4 1-gal. jars each, at Brooklyn, N. Y.

SHIPPED: 10-12-55, from Milford, Del., by Milford Packing Co., Inc.

LIBELED: 11-22-55, E. Dist. N. Y.

CHARGE: 402 (a) (3)—contained flies, fly parts, fly eggs, maggots, other insects, and insect parts when shipped.

DISPOSITION: 2-14-56. Default—destruction.

*See also No. 23055.

23091. Poppyseed, shelled peanuts, and rice. (F. D. C. No. 38493. S. Nos. 26-301/4 M.)

QUANTITY: 2 110-lb. bags of poppyseed, 3 100-lb. bags of shelled peanuts, and 35 25-lb. and 6 100-lb. bags of rice at Minneapolis, Minn.

SHIPPED: Between 2-21-55 and 8-4-55, from New York, N. Y., Comanche, Tex., and Memphis, Tenn.

LIBELED: 10-13-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-5-55. Default—consumption by animals.

23092. Sesame seed. (F. D. C. No. 38881. S. No. 16-950 M.)

QUANTITY: 410 100-lb. bags at Baltimore, Md., in possession of Wm. G. Scarlett & Co.

SHIPPED: 9-29-55, from New York, N. Y.

LIBELED: On or about 12-23-55, Dist. Md.

CHARGE: 402 (a) (3)—contained rodent excreta, rodent urine, and insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 12-28-55; amended 1-9-56. Consent—claimed by Wm. G. Scarlett & Co. Segregated, 3,546 lbs. converted to birdseed mix.

23093. Shrimp spice. (F. D. C. No. 38217. S. Nos. 20-663/4 M, 21-047 M.)

QUANTITY: 596 16-oz. pkgs. and 1,158 8-oz. pkgs. at Kansas City, Mo.

SHIPPED: Between 10-13-54 and 5-19-55, from Chicago, Ill., by American Spice Mills, Inc.

LABEL IN PART: (Pkg.) "Bespakt Brand Shrimp Spice."

LIBELED: 6-29-55, W. Dist. Mo.

CHARGE: 402 (a) (3)—contained insects, insect parts, rodent hairs, and rodent excreta when shipped.

DISPOSITION: 8-2-55. Default—destruction.

23094. Flavorings (3 seizure actions). (F. D. C. No. 38674. S. Nos. 32-163/5 M.)

QUANTITY: 36 4-oz. btls. of Chocovan, 9 cases, 48 4-oz. btls. each, of imitation vanilla extract, and 6 cases, 24 6-oz. btls. each, of Cakex at Scranton, Pa.

SHIPPED: Several years ago (Chocovan) from Brooklyn, N. Y., by Whitehall Food Mfg. Corp.; (imitation vanilla extract) from Brooklyn, N. Y., by Virginia Dare Extract Co., Inc.; and (Cakex) from New York, N. Y., by Certified Extracts, Inc.

LABEL IN PART: (Btl.) "Maison Royal Chocovan," "Virginia Dare Imitation Vanilla Extract," and "Dolan's Cakex An Exceptional Imitation Vanilla Flavor With Sherry Wine."

LIBELED: 11-10-55, M. Dist. Pa.

CHARGE: 402 (a) (2)—the articles when shipped contained an added poisonous and deleterious substance, coumarin, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: December 1955. Default—destruction.

23095. Imitation vanilla flavor. (F. D. C. No. 38820. S. No. 16-391 M.)

QUANTITY: 12 cases, 36 3-oz. btls. each, and 20 3-oz. btls. at Lewiston, Idaho.

SHIPPED: Sometime during 1943, from Brooklyn, N. Y.

LIBELED: 1-12-56, Dist. Idaho.

CHARGE: 402 (a) (2)—contained an added poisonous and deleterious substance, coumarin, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 3-2-56. Default—destruction.

23096. Imitation vanilla flavor. (F. D. C. No. 38710. S. No. 32-246 M.)

QUANTITY: 3 cases, 24 8-oz. btls. each, 1 case, 10 32-oz. btls. each, and 4 cases, 4 1-gal. btls. each, at Wilmington, Del.

SHIPPED: 9-13-55 and 10-12-55, from Philadelphia, Pa., by Serv-Agen Corp.

LABEL IN PART: (Btl.) "Serv-Agen * * * Imitation Vanilla Flavor."

LIBELED: 11-22-55, Dist. Del.

CHARGE: 402 (a) (2)—contained when shipped an added poisonous and deleterious substance, coumarin, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 12-21-55. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

23097. Vitamin tablets. (F. D. C. No. 35231. S. Nos. 59-513/4 L.)

QUANTITY: 764 100-tablet btls. of Bever Miamivites vitamin tablets and 653 100-tablet btls. and 32 1,000-tablet btls. of Zilifer-B vitamin tablets at Miami, Fla.

SHIPPED: 1-21-53 and 3-12-53, from Brooklyn, N. Y., by Bonded Laboratories, Inc.

LABEL IN PART: (Btl.) "Tablets Bever Miamivites Each Tablet Contains: * * * Vitamin B₂ . . . 5 Mg. * * * Each tablet supplies an adult with the following minimum daily requirements: * * * Vitamin B₂ 2½ times" and "Key Zilifer-B Each Tablet Contains: B₁ (Thiamin Chloride) 0.5 mg. * * * Ferrous Sulfate (Dried) 3.6 grains * * * Each tablet supplies one-half the minimum daily adult requirement of Vitamin B₁ * * * and seven times the requirement of iron."

LIBELED: 5-7-53, S. Dist. Fla.

CHARGE: Bever Miamivites vitamin tablets. 402 (b) (1)—a valuable constituent, riboflavin (vitamin B₂), had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Each tablet supplies an adult with the following minimum daily requirements: * * * Vitamin B₂ 2½ times" was false and misleading as applied to the article, which supplied less than that amount of vitamin B₂.

Zilifer-B vitamin tablets. 402 (b) (1)—valuable constituents, vitamin B₁ and iron, had been in whole or in part omitted or abstracted from the article when shipped; and 403 (a)—the label statements "Each Tablet Con-

tains: B₁ * * * 0.5 mg. * * * Ferrous Sulfate * * * 3.6 grains * * * Each tablet supplies one-half the minimum daily adult requirement of Vitamin B₁ * * * and seven times the requirement of iron" were false and misleading as applied to the article, which contained less than those amounts of vitamin B₁ and iron.

DISPOSITION: 2-9-55. Consent—destruction.

23098. Thiamine chloride elixir and malt sirup with halibut liver oil. (F. D. C. No. 37631. S. Nos. 6-630/1 M.)

QUANTITY: 41 1-pint btls. and 1 1-gallon btl. of thiamine chloride elixir and 117 12-oz. btls. of malt sirup with halibut liver oil at Cincinnati, Ohio.

SHIPPED: Between 1943 and 1950, from New York, N. Y.

RESULTS OF INVESTIGATION: Analyses showed that the articles contained less than the declared amounts of vitamin B₁.

LIBELED: 1-31-55, S. Dist. Ohio.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the articles while held for sale; and 403 (a)—the label statements (thiamine chloride elixir) "Each fluid ounce contains: 2000 U. S. P. units of Crystalline Vitamin B₁" and (malt sirup with halibut liver oil) "Each fluid ounce represents: * * * 333 U. S. P. Units Vitamin B₁" were false and misleading.

The libel alleged also that another article, namely, Chocolated Cokozine, was adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4754.

DISPOSITION: 3-3-55. Default—destruction.

23099. Wheat germ oil capsules. (F. D. C. No. 37655. S. Nos. 9-325/6 M.)

QUANTITY: 44 400-capsule btls. and 36 100-capsule btls. at West Los Angeles, Calif.

SHIPPED: 5-18-54 and 11-23-54, from Philadelphia, Pa., by Richlyn Laboratories.

LABEL IN PART: (Btl.) "Wheat Germ Oil Each capsule contains Wheat Germ Oil * * * 3 Minums (A refined cold pressed oil from Wheat Embryo.) The need for Wheat Germ Oil in human nutrition has been established. Dose: 1 or 2 capsules daily or prescribed by a physician. Caution: Federal law prohibits dispensing without a prescription."

LIBELED: 2-14-55, S. Dist. Calif.

CHARGE: 403 (a)—the statement on the label of the article when shipped, namely, "The need for Wheat Germ Oil in human nutrition has been established," was false and misleading since such need has not been established.

403 (j)—the label of the article failed to bear, as required by the regulations on foods for special dietary uses, a statement of the quantity of vitamin E activity present in a given amount of the article or in a quantity of the article customarily or usually consumed during the period of one day; and the label failed also to bear the statement "The need for vitamin E in human nutrition has not been established."

The wheat germ oil capsules and another article, namely, glutamic acid tablets, were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4746.

DISPOSITION: 3-8-55. Default—destruction.

23100. Mineral food tablets. (F. D. C. No. 38688. S. No. 38-106 M.)

QUANTITY: 600 1-lb., 5-oz. cartons at Quincy, Ill., in possession of Moorman Mfg. Co.

SHIPPED: 10-20-55, from St. Louis, Mo.

LABEL IN PART: (Carton) "Moorman's Mineral Food Tablets."

RESULTS OF INVESTIGATION: The article was shipped in bulk to Quincy, Ill., where it was repackaged and relabeled by the consignee.

Analysis showed that the article contained less calcium, phosphorus, and iron than were declared on the label in terms of the minimum daily requirements.

LIBELED: 11-14-55, S. Dist. Ill.

CHARGE: 403 (a)—the statement on the label of the article while held for sale, namely, "Proportion of Daily Requirement Supplied by Recommended Amounts Of Moorman's Mineral Food Tablets Calcium, 86%; phosphorus, 50%; iron, 61% (46% for an adult, or child 6 or more years of age)," was false and misleading as applied to a product which supplied less than the stated proportions of calcium, phosphorus, and iron.

DISPOSITION: 1-9-56. Consent—claimed by Moorman Mfg. Co. and relabeled.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 23051 TO 23100

PRODUCTS

	N. J. No.		N. J. No.
Applesauce, canned	23068	Malt sirup with halibut liver	
Basil, ground	23089	oil	23098
Bever Miamivites vitamin tablets	23097	Moorman's Mineral Food tablets	23100
Bread sticks	23061	Noodles. <i>See</i> Macaroni and noodle products.	
Cakex	23094	Nuts and nut products	23055, 23056, 23080-23084, 23091
Catsup, tomato	¹ 23078, 23079	Olives, green, in brine	23073
Cereals and cereal products	23051-23067, 23069, 23079, 23091	Peanuts, shelled	23091
Chocovan	23094	Pecans, shelled	23055, 23080
Corn, canned	23071, 23072	Peppers	23090
Elixir, thiamine chloride	23098	Pinon nuts	23056
Figs, dried	23069	Popcorn, unpopped	23056, 23064, 23065, 23069
Flavors. <i>See</i> Spices, flavors, and seasoning materials.		Poppyseed	23091
Flour	23051-23058	Poultry	³ 23085-23088
Fruits and vegetables	23057, 23062, ² ¹ 23068-23079	Raisins, seedless	23057, 23070
fruit, canned	23068	Rice	23053, 23054, 23066, 23067, 23079, 23091
dried	23057, 23069, 23070	Sesame seed	23055, 23092
tomatoes and tomato products	² ¹ 23074-23079	Shrimp spice	23093
vegetables	23062, 23071-23073	Sirup, malt, with halibut liver oil	23098
Macaroni and noodle products	23058-23063, 23069		

¹ (23078) Seizure contested.

² (23074) Injunction issued. Contains findings of fact and conclusions of law.

³ (23086) Prosecution contested.

	N. J. No.		N. J. No.
Spaghetti. <i>See</i> Macaroni and noodle products.		Vanilla extract, imitation_	23094-23096
Spices, flavors, and seasoning materials-----	23055, 23089-23096	Vegetables. <i>See</i> Fruits and vegetables.	
Sweetpotatoes, canned-----	23062	Vitamin, mineral, and other products of special dietary significance-----	23097-23100
Tomato(es), canned----- ²	23074, 23075	Walnut(s), dust-----	23084
crushed-----	23076, 23077	shelled-----	23081-23083
catsup----- ¹	23078, 23079	Wheat germ oil capsules-----	23099
juice----- ¹	23078	Zilifer-B vitamin tablets-----	23097
puree-----	23077, ¹ 23078		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

American Spice Mills, Inc.:		Jacox, G. H.:	
shrimp spice-----	23093	unpopped popcorn-----	23064
Aranoff, Louis, & Sons:		Kratky, Philip:	
flour and seedless raisins-----	23057	dressed poultry-----	23085
Arcidy Poultly Co., Inc.:		Milford Canning Co.:	
dressed poultry-----	23087, 23088	canned corn-----	23072
Bonded Laboratories, Inc.:		Milford Packing Co., Inc.:	
vitamin tablets-----	23097	peppers-----	23090
Braun, J. F., & Sons:		Moorman Mfg. Co.:	
shelled walnuts-----	23083	mineral food tablets-----	23100
Burns, A. H.:		New Palestine Canning Co. <i>See</i> Etchison, Virgil.	
flour and egg noodles-----	23058	Orleans County Canning Co.:	
Burns Wholesale Grocery Co. <i>See</i> Burns, A. H.		tomato catsup, tomato puree, and tomato juice----- ¹	23078
Burton, M. L., Warehouse Co.:		Penn Syrup Corp.:	
unpopped popcorn-----	23065	walnut dust-----	23084
Caroline Poultry Farms, Inc.:		Pettengill, N. H.:	
dressed poultry----- ³	23086	dressed poultry-----	23085
Certified Extracts, Inc.:		Ravarino & Freschi, Inc.:	
Cakex-----	23094	vermicelli and egg noodles---	23063
Delta Pecan Co.:		Richardson, B., Canning Co.:	
pecan pieces-----	23080	canned applesauce-----	23068
Enoch Packing Co., Inc.:		Richlyn Laboratories:	
raisins-----	23070	wheat germ oil capsules-----	23099
Etchison, Virgil:		Safeway Stores, Inc.:	
canned tomato products----- ²	23074	flour-----	23052
Hart & Howell Co.:		Scarlett, Wm. G., & Co.:	
unpopped popcorn-----	23064	sesame seed-----	23092
Horning, H. D.:		Scowcroft, John, & Sons Co.:	
unpopped popcorn-----	23064	flour and rice-----	23054
Italian Style Tomato Packers, Inc.:		Serv-Agen Corp.:	
canned crushed tomatoes-----	23076, 23077	imitation vanilla flavor-----	23096
tomato puree-----	23077	Valley Shelling Co.:	
		shelled walnuts-----	23081, 23082

¹ (23078) Seizure contested.
² (23074) Injunction issued. Contains findings of fact and conclusions of law.
³ (23086) Prosecution contested.

	N. J. No.		N. J. No.
Vermont Poultry Outlet, Inc.:		Whitehall Food Mfg. Corp.:	
dressed poultry-----	23085	Chocovan-----	23094
Virginia Dare Extract Co., Inc.:		Woodlake Ranch, Inc.:	
imitation vanilla extract-----	23094	green olives in brine-----	23073
Viviano, V., & Bros. Macaroni		Wright Brothers:	
Mfg. Co., Inc.:		canned tomatoes-----	23075
egg noodles-----	23060	Wyoming Wholesale Distribu-	
Western Oregon Packing Corp.:		tors, Inc.:	
canned corn-----	23071	flour, pinon nuts, and popcorn_	23056
Westman Commission Co.:			
tomato catsup and rice-----	23079		

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